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AGENDAS/MINUTES
PLANNING AND DEVELOPMENT
COMMITTEE

APRIL 21, 1999

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NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, April 21,1999
9:30 o'clock a.m.
Room 233, City Hall

Stella Glover
for **Tina Agnello, Secretary**
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 99-05, by 1272689 Ontario Ltd., Hussein Ghaddar, owner, for a change in zoning from "AA" District to "R-4" District, Block "1", and from "AA" District to "R-4"-'H'" District, Block "2", for property located at Rexford and Robertsfield Drive.

2. Zoning Application 99-02, by 774728 Ontario Limited (Gerald Luska) and Henesh Holdings Limited, owner, for a further modification to the "HH" District, for lands located at 86 Mall Road.

3. **GENERAL MANAGER, CORPORATE SERVICES DIVISION**

   St. Mark's Centre – Update (no copy)

4. **CONSENT AGENDA**

5. **OTHER BUSINESS**

6. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
3.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
4.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
5.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
6.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
7.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
8.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
9	Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.	February 17, 1999	Tabled pending staff report	Report Forthcoming

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 March 31
ZAC-99-05
Randall Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at the northeast corner of Rexford and Robertsfield Drive

RECOMMENDATION:

A. That approval be given to **Zoning Application 99-05, 1272689 Ontario Ltd., Alwilayad Islamic Association, owner (c/o Hussein Ghaddar),** requesting changes in zoning from "AA' (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District for Block "1" and to "R-4" – 'H' (Small Lot Single-Family Residential, etc.- Holding) District for Block "2", for the property located at the northeast corner of Rexford and Robertsfield Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until:

a) The owner acquires the parcel of land shown as Block 26 on Plan 62M-454 and merges it in title with Block "2" ;and,

b) The owner pays all outstanding land, servicing, roadway costs to the City of Hamilton and the Region of Hamilton-Wentworth, prior to lifting the 0.3 m reserve adjacent to Robertsfield Drive and that the owner be responsible for preparing the required Reference Plan to lift the 0.30 m reserve.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled;

ii) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District;

iii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" – 'H' (Small Lot Single-Family Residential, etc. – Holding) District;

iv) That the Director of Legal Services and Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council;

v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area;

vi) That upon finalization of the implementing Zoning By-law, the subject lands be redesignated from **"Civic and Institutional"** to **"Single and Double Residential"** on the approved Randall Neighbourhood Plan.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located at the northeast corner of Rexford Drive and Robertsfield Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District;

Block "2" - from "AA" (Agricultural) District to "R-4" – 'H' (Small Lot Single-Family Residential, etc. – Holding) District.

The effect of the By-law is to permit the development of Block "1" for eight (8) small lot single-family dwellings and the future development of Block "2" for one (1) small lot single-family dwelling. In addition, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development Block "2" until:

a) The owner acquires the parcel of land shown as Block 26 on Plan 62M-454 and merges it in title with Block "2"; and,

b) The owner pays all outstanding land, servicing, roadway costs to the City of Hamilton and the Region of Hamilton-Wentworth, prior to lifting the 0.3 m reserve adjacent to Robertsfield Drive and that the owner be responsible for preparing the required Reference Plan to lift the 0.30 m reserve.

City Council may remove the 'H' symbol and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending by-law once the conditions are fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

  The applicant is requesting a rezoning for the land located at the northeast corner of Rexford and Robertsfield Drive. The purpose of the application is to permit nine (9) small lot single-family dwellings fronting onto Rexford Drive (see Appendix "B").

- Land Severance Application B-99:13 to B-99:17

  The applicant filed Land Severance Applications B-99:13 to B-99:17 for the subject lands at the northeast corner of Rexford and Robertsfield Drive. At it's meeting of March 10, 1999 the Committee of Adjustment approved the Land Severance Applications, subject to the following condition(s):

  1) The owner shall satisfy all relevant requirements of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

  2) The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

  3) The applicant shall submit proof of final approval of Zoning Application ZAC-99-05.

  4) The applicant shall submit a municipal numbering plan, to the satisfaction of the Director of Planning and Development.

  5) The owner shall pay all outstanding servicing costs to the City of Hamilton and the Region of Hamilton-Wentworth.

  6) The owner shall enter into a modified subdivision agreement with the City of Hamilton.

  7) With respect to Application B-99:13 the owner shall make the necessary arrangements to pay all outstanding servicing costs to the City of Hamilton and

the Region of Hamilton-Wentworth, prior to the City lifting the 0.30m reserve on Rexford Drive in order that access to the lands to be severed can be provided.

8) With respect to Application B-99:17 the southerly retained lands shall be rezoned to an appropriate residential use in a Holding Provision with lifting of the holding provision conditional upon the following:

   a) that the owner acquire and merge in title with the southerly retained lands the parcel of land shown as Block 26 on Plan 62M-454.

   b) that the owner pay all outstanding land, servicing, roadway costs to the City of Hamilton and the Region of Hamilton-Wentworth, prior to the City lifting the 0.30m reserve adjacent to Robertsfield Drive and that the owner be responsible for preparing the required Reference Plan to lift the 0.30m reserve.

APPLICANT:

1272689 Ontario Corp., Alwilayad Islamic Association, owner (c/o Hussein Ghaddar).

LOT SIZE AND AREA:

- 90.256 m (296.0 ft.) of lot frontage on Rexford Drive;
- 30.480 m (100.0 ft) of lot depth; and ;
- 2,783.2 m^2 (.68 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Lands		
To the north	Small Lot Single-Family Dwellings	"R-4" (Small Lot Single-Family Dwellings) District
To the south	Townhouses	"RT-10" (Townhouse) District
To the east	Mosque	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
To the west	Small Lot Single-Family Dwellings	"R-4" (Small Lot Single-Family Dwellings) District, modified

OFFICIAL PLAN:

The lands are designated **Major Institutional** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

"2.6.1 The primary uses permitted in areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan."

The following policies of Subsection A.2.1. – Residential Uses should also be noted:

"A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The following policies of Subsection C.7 – Residential Environment and Housing Policy should also be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support Residential development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated **"Civic and Institutional"** on the approved Randall Neighbourhood Plan. If approved, a Neighbourhood Plan Amendment is required to redesignate the subject lands **"Single and Double Residential"**.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Building Department has verbally advised that:

  "1. The lot widths (at 9.0m back from the front lot line) and lot areas are not indicated to determine compliance.

  2. If the lot width dimensions are the same as the dimensions as indicated at the front lot line, the minimum average lot widths conform.

  3. It appears that Lot 2 may not conform with respect to the minimum required 278.0m^2 lot area.

  4. The "H" Holding symbol shall be removed by an amending By-Law.

  5. These comments are based on the assumption that Lot 9 will be used for a single family dwelling only.

  6. Maintenance and encroachment easements may be required."

- The Department of Public Works and Traffic Department has advised that they have reviewed this application and find it satisfactory.

- The Development Engineering Section has reviewed the application and has advised that :

  "1. There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  2. For the information of the applicant/owner, our records indicate that the 0.30 m reserve on Rexford Drive is shown on Part 3 on Reference Plan 62R-8775 and

the 0.30 m reserve on Robertsfield Drive is shown as Part 3 on Reference Plan 62R-1965.

3. A parcel of land shown as Block 26 on Plan 62M-454, at the north east corner of the intersection of Rexford Drive and Robertsfield Drive, must be acquired and merged in title with the southerly block of lands on Robertsfield Drive.

4. We recommend that as a condition of approval that the owner make the necessary arrangements to have the .30m reserve lifted on Rexford Drive in order that access to the lands to be rezoned can be provided.

5. Should Lot 9 be approved without frontage on either Robertsfield Drive or Rexford Drive, access to these lands is not available and as a result the following condition of approval is recommended:

   That the lands shown as Lot 9 on the plan submitted with the application be rezoned to an appropriate residential use in a Holding Provision. The lifting of the Holding Provision in the Zoning By-law must be conditional to the following:

   a) That the owner acquire and merge in title with the southerly retained lands the parcel of land shown as Block 26 on 62M-454.

   b) That the owner pay all outstanding land, servicing, roadway costs to the City of Hamilton and the Region of Hamilton-Wentworth to lifting the .30m reserve adjacent to Robertsfield Drive and that the owner be responsible for preparing the required Reference Plan to lift the .30m reserve."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The lands are designated **"Civic and Institutional"** on the approved Randall Neighbourhood Plan. If approved, a Neighbourhood Plan Amendment is required to redesignate the subject lands to **"Single and Double Residential"**.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan;

   ii) the proposed small lot single-family dwellings represent infill development, and are consistent with established development in the area. On this basis, the proposal serves to complete the existing pattern of development on Rexford Drive; and,

   iii) it fulfils one of the conditions of land severance approvals to create nine (9) lots fronting onto Rexford Drive by finalizing the subject zoning application.

4. With respect to the comments received from the Building Department, the applicant has advised that the minimum lot widths and areas will be met.

5. With respect to the comments received from the Regional Environment Department, it is recommended that the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until:

   a) The owner acquires the parcel of land shown as Block 26 on Plan 62M-454 and merges it in title with Block "2" of the subject lands; and,

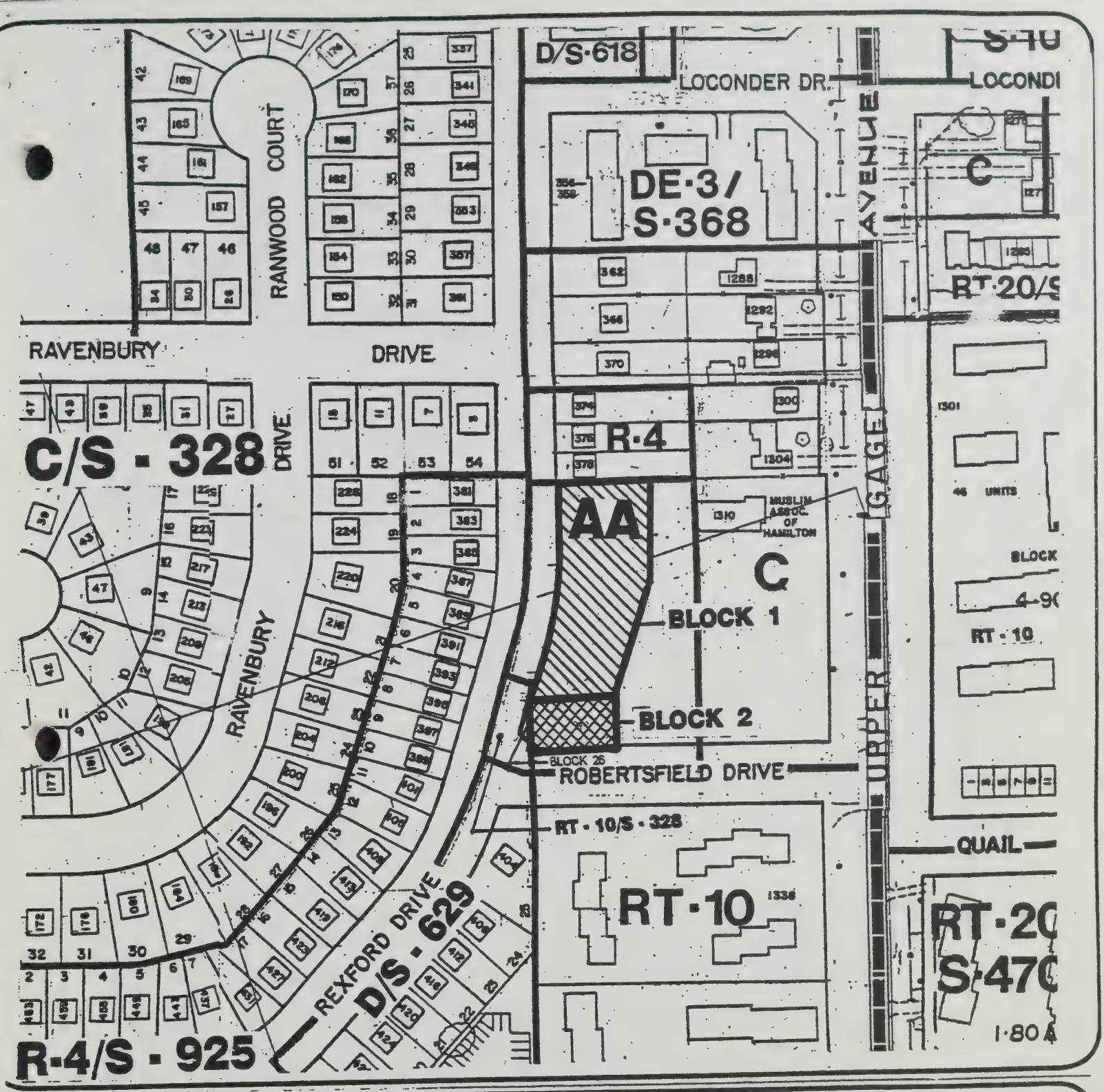
   b) The owner pay all outstanding land, servicing, roadway costs to the City of Hamilton and the Region of Hamilton-Wentworth, prior to lifting the 0.3 m reserve adjacent to Robertsfield Drive and that the owner be responsible for preparing the required Reference Plan to lift the 0.30 m reserve.

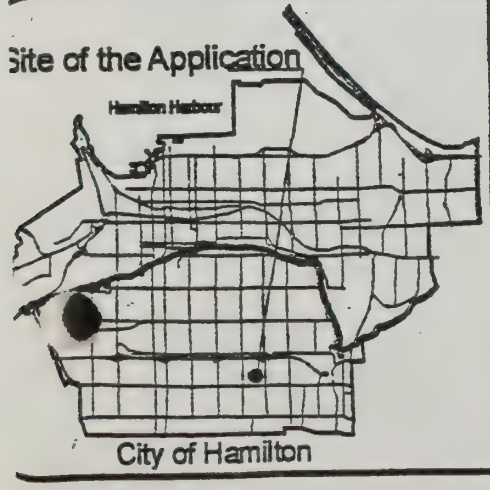
   City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/mm
ZAC-99-05





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

BLOCKS — Change in Zoning from:

1 — "AA" (Agricultural) to "R-4" (Small Lot Single Family Detach) District

2 — "AA" (Agricultural) to "R-4" - 'H' (Small Lot Single Family Detach) District - Holding

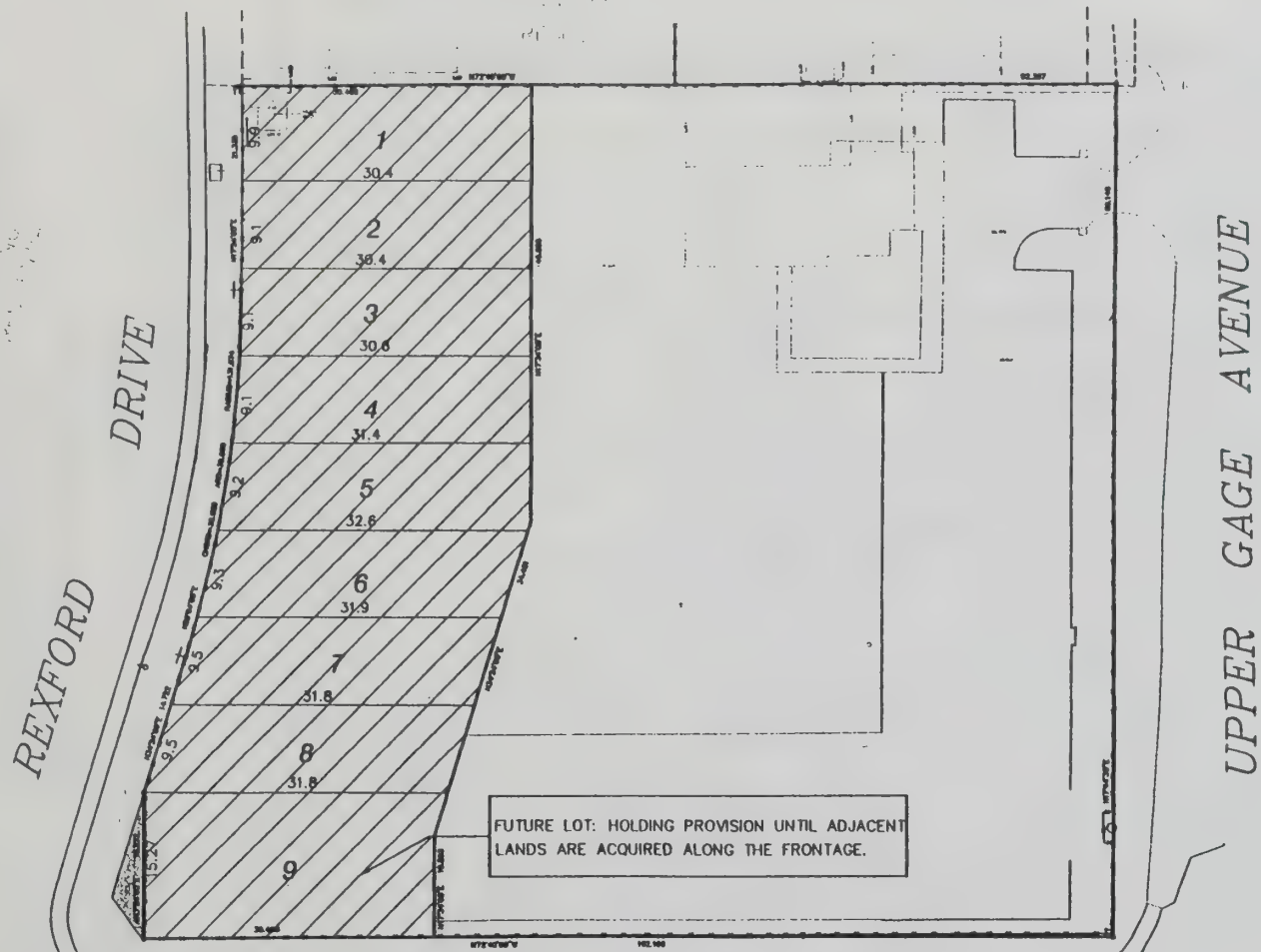
Reference file:	ZAC-99-05
Scale	Not to Scale
Date	February, 1999
Technician:	B. B.

North

APPENDIX A

ZONING AMENDMENT MAP

REXFORD DRIVE
CITY OF HAMILTON



N

LEGEND

EXISTING "AA" (AGRICULTURAL) DISTRICT TO "R-4" (SMALL LOT SINGLE FAMILY DWELLINGS) DISTRICT

LANDS OWNED BY OTHERS

PLANNING & ENGINEERING INITIATIVES LTD.

PLANNERS
CONSULTING
ENGINEERS &
LANDSCAPE
ARCHITECTS

HAMILTON - KITCHENER-WATERLOO

Designed By:	Scale: N.T.S.
Drawn By: S.M.M.	Date: FEBRUARY 1996
Checked By: S.M.	Drawing Number: 1-1
Project: HP96-4001	

APPENDIX B

CITY OF HAMILTON

- RECOMMENDATION -

2.

DATE: 1999 March 30
Thorner Neighbourhood
ZAC-99-02

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning & Development Division

SUBJECT: Request for a further modification in zoning – 86 Mall Road

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-99-02, by 774728 Ontario Limited (Gerald Luska) and Henesh Holdings Limited, owners, for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District to permit a billiard hall, for lands known municipally as 86 Mall Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 80-107, be further modified to the extent only of the special requirement that:

(a) Notwithstanding Section 2.(1) of By-law No. 80-107, a billiard room and restaurant having a maximum gross floor area of not more than 257 m^2 shall be permitted at 86 Mall Road;

(ii) That the amending By-law be added to Section 19 of Zoning By-law No. 6593, as Section S-701b, and that the subject lands on Zoning District Map E-27 be notated S-701b;

(iii) That the Director of Legal Services and Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;

(iv) That upon approval of the Zoning By-law Amendment, the Thorner Neighbourhood Plan be amended to permit a billiard room and restaurant on the subject lands; and,

(iv) That the proposed further modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations for lands located at 86 Mall Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a billiard room and restaurant having a maximum gross floor area of not more than 257 m^2 on the subject lands.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

BACKGROUND:

Proposal

The applicant is proposing to establish a billiard hall within 2 units of an existing commercial building at 86 Mall Road.

By-law No. 80-107

City Council, on April 8, 1980, passed By-law No. 80-107, which included the subject lands as well as: 859, 863 and 875 Upper Wentworth Street and 66 and 76 Mall Road, located immediately to the north.

The effect of the by-law is to prohibit the following uses: restaurants, taverns, second hand goods shops, pawnbrokers shops, open-air markets, billiard rooms, bowling alleys, shooting galleries, penny arcades, public halls, music halls, auctioneer's premises, a book binder's or carpenter's shop, storage of goods to be manufactured, assembled or sold upon the premises etc., frosted food locker plant, billboards, roof signs, and overhanging signs. In addition, the by-law also requires a yard of at least 12 m along the east and west limits of the affected lands, as well as a limitation on ground and pylon signs. The intent of the by-law was to permit uses which would complement the regional centre (Limeridge Mall).

By-law No. 81-269

City Council, on September 29 ,1981, passed By-law No. 81-269 which permits a restaurant on lands at 863 Upper Wentworth Street immediately north of the subject lands.

APPLICANT:

774728 Ontario Limited (Gerald Luska) and Henesch Holdings Limited, owners.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 28.4 m (93.2 feet) on Mall Road;
- A depth of 79 m (259.2 feet); and,
- A lot area of approximately 0.2 ha (0.6 acre).

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Commercial Plaza	"HH" (Restricted Community Shopping and Commercial, etc.) District
Surrounding Lands		
To the north	Commercial Plaza	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified
To the east	Commercial Plaza	"G-2" (Regional Shopping Centres) District, modified
To the south	Professional Offices and Limeridge Mall	"G-2" (Regional Shopping Centres) District
To the west	Commercial Plaza and apartment building	"HH" (Restricted Community Shopping and Commercial, etc.) District modified and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule "A" – Land Use Concept of the Official Plan. The following policies, amongst others, apply:

"A.2.2.1 The primary permitted uses in the areas exceeding 0.4 ha designated on Schedule 'A' as COMMERCIAL will be for commerce. In this regard, Commerce is defined as establishments involved in the buying and selling

of goods and services; business offices; and hotels, convention centres and entertainment facilities."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Thorner Neighbourhood Plan. The Plan also indicates that "Commercial uses should not include high traffic generators such as restaurants." If the application is approved, the Neighbourhood Plan will have to be amended to permit a billiard room and restaurant on the subject lands.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advise they have no objection.

- The Hamilton-Wentworth Catholic District School Board has not responded to date.

- The Regional Environment Department have advised the following:

  "1. There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  2. According to our office records, the existing road allowance width of this section of Mall Road is 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

  3. We have reviewed this application on the basis that the applicant is intending to convert units B1 and B2 for this use. These are the units which are coloured on the application submitted.

  4. Any works within the Mall Road road allowance must conform to the City of Hamilton Streets By-law."

- The Regional Environment Department (Planning) have advised the following:

  "**REGIONAL COMMENTS**: The subject lands are identified as "Urban Area" and "Mixed-use Centre" in the Hamilton-Wentworth Official Plan.

  Since the subject lands front on a Regional arterial road, comments should be obtained from the Regional Roads Department.

  PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Department of Public Works and Traffic have advised that:

  "We have no objection to the modification in zoning and the required Official Plan Amendment to permit the proposed development. Our review of the subject property indicates that adequate access is available from both Mall Road and Upper Wentworth Street and that parking has been provided in accordance with the zoning by-law.

  In addition, the trip generation rates reviewed for the proposed development indicate that the peak period for the proposed use is different than the peak hours for the adjacent streets. Therefore, we do not anticipate that the proposed use will have a negative impact on the operation of Mall Road or Upper Wentworth Street."

- The Building Department has advised the following:

  "1. The proposed use currently not permitted – a billiard hall – will comply if located at the site as it now exists. Neither a restaurant nor a billiard hall use is permitted by By-law 80-107 (19B. S-701) but By-law 81-269 (19B. S-701a) now permits a restaurant. Thus, the owners may not have to restrict themselves to a take-out restaurant option in conjunction with the modification to a billiard hall use".

  The Building Department revised their comments as follows:

  "...comments of Feb 18 apply to 66 Mall Road, not 86. As a consequence, By-law 80-107 applies but not 81-269, so a restaurant is **not** permitted at 86 Mall Road."

COMMENTS:

1. The proposal complies with the Official Plan.

2. If this application is approved, the approved Thorner Neighbourhood Plan will have to be amended to permit a billiard room and restaurant on the subject lands.

3. The application was originally made on the basis an Official Plan amendment was required. Further review of this matter identified that an Official Plan amendment is not required. The application was amended accordingly.

4. The "HH" (Restricted Community Shopping and Commercial, etc.) District permits a billiard room as-of-right. By-law No. 80-107, applicable to the subject lands as well as 859, 863 and 875 Upper Wentworth Street, and 66 and 76 Mall Road, specifically prohibits billiard rooms, amongst other uses, in the "HH" District. The intent of this by-law was to limit the range of uses permitted on these lands and adjacent lands to the north, to those uses which would encourage commercial development that would complement the regional shopping centre (Limeridge Mall).

5. Limeridge Mall, located to the south of the subject lands, and the Fortino's plaza immediately to the east, are zoned "G-2" (Regional Shopping Centre) District, which permits billiard rooms.

6. The proposal has merit and can be supported on the following basis:

- The "HH" District permits billiard rooms as-of-right. The site specific by-law (80-107) specifically prohibits uses which were viewed as not complimenting the regional centre (Limeridge Mall). In this regard, both Limeridge Mall to the south, and the Fortino's Plaza to the east (zoned "G-2" District) are permitted billiard rooms as-of-right. Therefore it is no less feasible to permit a billiard room on the subject lands;

- The Public Works and Traffic Department note that there is adequate access to the subject lands, adequate parking is provided on-site, and they did not anticipate the proposed use would have a negative impact on the operation of Mall Road or Upper Wentworth Street; and,

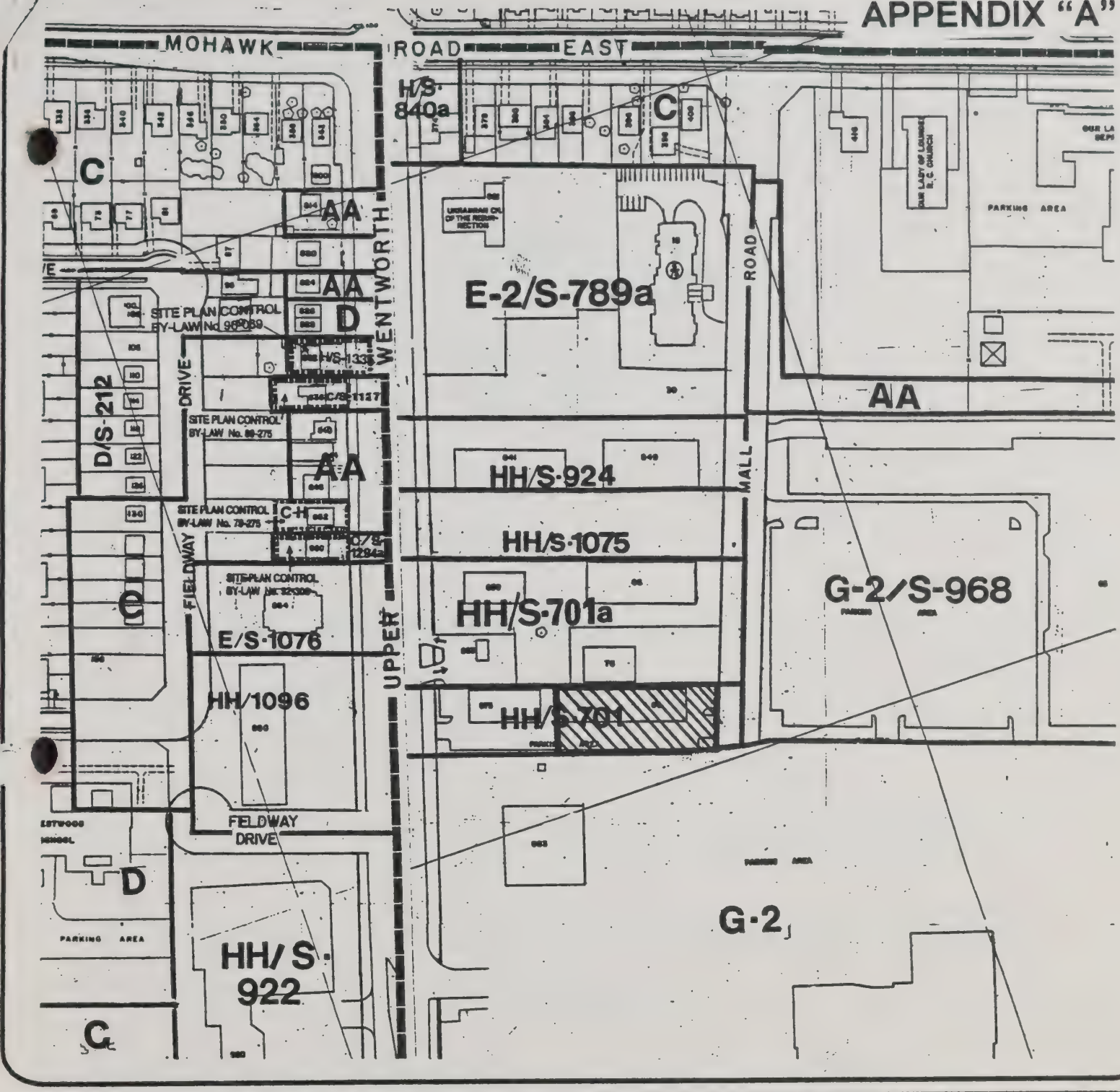
- The nearby separate school could be considered a sensitive land use in the context of billiard rooms. To date, the Hamilton-Wentworth Catholic District School Board has not advised of any concerns regarding the proposed use. Furthermore, a billiard room could be established as-of-right in the Fortino's plaza which directly abuts the school.

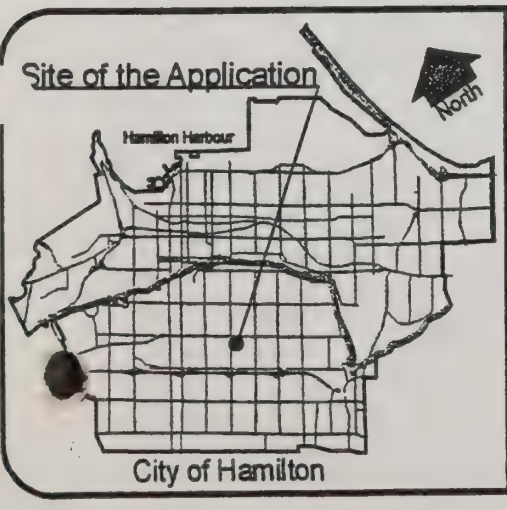
CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/
ZAC-99-02

APPENDIX "A"





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

Reference file:	**ZAC-99-02**
Scale	**Not to Scale**
Date	**March,1999**
Technician:	**B. B.**
	APPENDIX 'A'

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, April 21, 1999
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held April 7, 1999

B. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

(i) "Annabelle Place", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)

(ii) Demolition of 1155 West 5th Street

(iii) Application to Remove Part-Lot Control – Lots 2-18 inclusive and 21-25 inclusive, Registered Plan 62M-877, "Wellington Meadows, Phase 1"

C. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION

Core Heritage Program – 34-36 Hess Street South

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, April 7, 1999
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

A.

There were Present:	Alderman F. D'Amico, Chairperson Alderman G. Copps, Vice-Chairperson Alderman M. Caplan Alderman R. Corsini Alderman D. Haining Alderman B. Charters Alderman B. Kelly
Regrets:	Mayor R. M. Morrow Alderman F. Eisenberger (Regional Business)
Also Present:	Alderman D. O'Sullivan L. Coveyduck, General Manager, Community Planning and Development Division V. Abraham, Director, Community Planning and Development Division P. Mallard, Community Planning and Development Division J. Hickey-Evans, Community Planning and Development Division B. Janssen, Community Planning and Development Division C. Lee-Morrison, Community Planning and Development Division M. Tanner, Community Planning and Development Division N. Chapple, Community Planning and Development Division D. Powers, Legal Services and Corporate Counsel E. Chajka, Transportation, Operations and Environment Division P. Lampman, Community Planning and Development Division C. Touzel, Acting Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 99-01, by Michael Valvasori, prospective owner, for a change in zoning from "J" District, modified, to "DE" District, modified, for lands located at 129 Rebecca Street**

Alderman D'Amico, Chairperson, read the following statement at the beginning of this Public Meeting:

> "As per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written submission at a Public Hearing."

The Committee was in receipt of a report dated March 16, 1999 from the General Manager, Community Planning and Development Division, respecting the above-noted matter.

Paul Mallard, Planning and Development Department, provided an overview of the Zoning Application and advised the Committee that of the 51 notices mailed for this Public Meeting, 6 were received in favour and 4 were received in opposition to the Application.

The proponents for the Zoning Application were in attendance and submitted to the Committee Secretary, a letter dated March 29, 1999 from Dr. Frank Shapiro, supporting the Zoning Application and advising that the Wilson Medical Centre has parking spaces available for rent in the event that parking is required for the Application. Alderman Caplan asked that it be entered into the official record that the proponent has volunteered to provide parking in conjunction with his Application.

The Committee approved the following:

That approval be given to Amended Zoning Application ZAC-99-01, Michael Valvasori, prospective owner, for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District, modified to "DE" (Low Density Multiple Dwellings) District, modified to permit the conversion of the existing building for 19 apartment units, for property located at 129 Rebecca Street, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District, modified to "DE" (Low Density Multiple Dwellings) District; and,

(b) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

(1) a multiple dwelling containing a maximum of nineteen (19) Class A dwelling units within the building existing at the time of the passing of the By-law; and,

(ii) That notwithstanding Section 10A.(3) of Zoning By-law No. 6593, the existing building at the time of the passing of this By-law, known municipally as 129 Rebecca Street, shall provide and maintain the following setbacks:

(1) 0.0 metres from the southerly, easterly, northerly and westerly lot lines; and,

(iii) That notwithstanding Section 10A.(4) of Zoning By-law No. 6593 a lot width of not less than 17.6 m and a lot area of not less than 460 m^2 shall be provided and maintained; and,

(iv) That Section 10A.(5) of Zoning By-law No. 6593 shall not apply; and,

(v) That Section 18A of Zoning By-law No. 6593 shall not apply; and,

(c) That the amending By-law be added to Section 19 of Zoning By-law No. 6593, as Section S-850a, and that the subject lands on Zoning District Map E-4 be notated S-850a; and,

(d) That the Director of Legal Services and Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No.

6593 and Zoning District Map E-4 for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

2. **Zoning Application 99-06 and Plan of Subdivision Application 98-01, by Valery Construction, owner, for a change in zoning from "D" District, modified, to "C" District, modified, for lands located west of West 5th Street and north of Stone Church Road West, known municipally as 965 West 5th Street**

Alderman D'Amico, Chairperson, read the following statement at the beginning of this Public Meeting:

> "As per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written submission at a Public Hearing."

The Committee was in receipt of a report dated March 16, 1999 from the General Manager, Community Planning and Development Department, respecting the above-noted matter.

Paul Mallard, Planning and Development Department, provided an overview of the Subdivision and Zoning Applications and advised the Committee that of the 427 notices mailed for this Public Meeting, 7 were received in favour of the Application and 12 were returned with no indication as to their support/opposition.

Sergio Manchia, Planning & Engineering Initiatives Ltd., and Mr. Valery, owner, Valery Construction Company Limited, were in attendance and provided the following comments on the Staff recommendation:

- the minimum 4m by 4m daylight triangle road widening would reduce the lot size of two lots.

- the share of road costs as referenced in Section A. (xvi) of the Staff report needed to be clarified as they feel that they should only be required to pay their share east of Kernighan Drive only. Eugene Chajka, advised the Committee that this project has a Draft Plan of Subdivision which requires the developer to pay the full cost of the road from West 5th Street to Kernighan Drive and ½ of the costs of the road from the west limit of Kernighan Drive to the easterly limit.

- Mr. Valery, owner, expressed some concerns that he will not be able to build on Lots 9, 24, 32 and 33 until a permanent road is constructed adjacent to these lots. Eugene Chajka indicated that this requirement has been included so as not to impact the site by future construction.

The Committee agreed to amend the Staff recommendation to make reference to the reduced lot size on two of the lots and approved the following as amended:

A. That approval be given to Revised Subdivision Application 98-01, (Regional File No. 25T-98003), Valery Construction Company Limited, owner to establish a draft plan of subdivision "Woodland Meadows", on lands located east of West 5th Street and north of Stone Church Road West, known municipally as 965 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked as Appendix "B", subject to the following conditions:

(a) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by J.P. Wooley, O.L.S. dated March 12, 1998, revised February 11, 1999, showing 40 lots for single detached dwellings, 5 blocks being 0.30m reserves, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", attached as Appendix "C"; and,

(b) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(c) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(d) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(e) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(f) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(g) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(h) That the owner agree to include the following clauses in a registered portion of the subdivision agreement, to be registered on title of all lots within the plan of subdivision abutting West 5th Street and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the Director of Legal Services and Corporate Counsel:

> "Purchasers are advised that noise levels originating from West 5th Street may become of concern, occasionally interfering with some activities of the occupant"; and,
>
> "Purchasers are advised that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway."; and,

(i) That the owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:

> (i) That the owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:

(1) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,

(3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,

(ii) That the requirements of the approved erosion and sediment control plan be included within the Subdivision Agreement for this property; and,

(iii) That the applicant prepare and implement a stormwater management plan for the subject property. The approved plan shall address stormwater quantity and quality issues and ensure that current Provincial drainage and stormwater management quality guidelines are implemented; and,

(j) That the 5.18m road widening on West 5th Street, shown as Block 42, be dedicated to the Region of Hamilton-Wentworth for road widening purposes on the final plan; and,

(k) That the final plan incorporate the lands originally shown as Blocks 41 and 42, into Street "A" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(l) That a 1m by 1m daylight triangle road widening be established at the intersection of Street "A" and West 5th Street from Lot 1; and,

(m) That a minimum 4m by 4m daylight triangle road widening be established on Lots 17 and 25 at the L-shape bend in the road on Street "A" and Street "B" to accommodate the off tracking of vehicles through the 90 degree bend in the 18.0m road allowance; and,

(n) That prior to the final approval of 18m road rights-of-ways for the new "public street" to West 5th Street and Streets "A" and "B", the applicant/owner must provide written confirmation from all the respective Utility Companies that their facilities can be accommodated within the 18m right-of-way while still maintaining the standard municipal roadway cross section and municipal sidewalk locations. The owner will provide and pay for permanent conduit as required for various utilities due to the reduced road allowance width; and,

(o) That the owner be required to pay for the entire construction of Street "A" from West 5th Street easterly; and,

(p) That the owner be required to pay for their share of costs for the establishment and construction of the neighbourhood street adjacent to the north limit of the subdivision which are not covered by the draft plan condition on lands to the north; and,

(q) The outside corner street radius on Street "A" should be decreased from 21.5m to 15m; and,

(r) That a 2m by 2m daylight triangle be established at the corner of Street "B" and the "public street" to West 5th Street from Lot 16; and,

(s) That the applicant/owner provide the future replacement of Street "A" from Street "B" to West 5th Street with a walkway. This includes curb/street removal, landscaping and the curb alterations required at the intersections of Street "B" and Street "A" and Street "A" and West Fifth Street; and,

(t) That the owner grant the City temporary right-of-way over Lots 9, 24, 32 and 33 in order to construct the standard 9m radius turning circles and provide a minimum of 6m behind the turning circle for snow storage, the construction of temporary drainage facilities and the temporary location of utilities, as required; and,

(u) That the owner agree not to request Building Permits for Lots 9, 24, 32 and 33 until such time as the temporary cul-de-sacs have been removed and a permanent street has been constructed adjacent to these lots to the satisfaction of the City of Hamilton; and,

(v) That the owner establish and convey a .30m reserve, along the south side of Street "A" to the City of Hamilton on the final plan for the purposes of access control; and,

(w) That the removal of any trees within the West 5th Street road allowance or on City lands to the north be subject to the approval and to the satisfaction and requirements of the Forestry Section of the City of Hamilton Department of Public Works and Traffic; and,

(x) That the owner provide and implement a Landscape and Tree Preservation Plan to the satisfaction of the Regional Environment Department; and,

(y) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98003), Valery Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

C. That the conditions of draft plan approval, as contained in Section 2 of the THIRTEENTH Report of the Planning and Development Committee for 1998, applicable to the previous plan of subdivision dated March 10, 1998, as approved by City Council, attached as Appendix "D", be rescinded and replaced with the proposed condition of draft plan approval contained in Section A of this report; and,

D. That the Municipal Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

E. That approval be given to Zoning Application 99-06, Valery Construction Company Limited, owner for a change in zoning from "D" (Urban Protected Residential – One and Two Family, etc.) District, modified, to "C" (Urban Protected Residential, etc.) District, modified, for lands located east of West 5th Street and north of Stone Church Road West, known municipally as 965 West 5th Street, in the Kernighan Neighbourhood, as shown on the attached map marked at Appendix "B", on the following basis:

(a) That Subsection 1.(b) of Zoning By-law No. 98-205 be repealed in its entirety and replaced with the following:

"by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, those lands comprised in Block "2";"; and,

(b) That Section 2 of Zoning By-law No. 98-205 be repealed in its entirety and replaced with the following:

"2. That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9. of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, the following shall apply:

1. A front yard having a depth of not less than 4.5m to the main wall of the dwelling shall be provided and maintained;

2. A front yard having a depth of not less than 6.0m to the garage or carport shall be provided and maintained; and,

(ii) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, for a corner lot every lot shall have a width of at least 12.0 metres and an area of at least 355.0 square metres within the district."; and,

(c) That Schedule "A" of Zoning By-law No. 98-205 be repealed and replaced with a new Schedule "A" in accordance with Sections 1(a) and 1(b) of Zoning By-law No. 98-205, as amended; and,

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1406a and that the subject lands on Zoning District Map W-9B be notated as S-1406a; and,

(e) That the Director of Legal Services and Corporate Counsel be directed to prepare a by-law to amend Zoning By-law No. 6593, as amended by Zoning By-law No. 98-205, and Zoning District Map W-9B for presentation to City Council; and,

(f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

F. That upon finalization of the implementing Zoning By-law, the approved Kernighan Neighbourhood Plan be amended to redesignated Blocks "1" and "2" from "Single & Double & Attached Housing" Residential to "Single & Double" Residential and to recognize the revised lotting configuration as shown on the revised draft plan of subdivision. In addition, a notation should be added to the Kernighan Neighbourhood Plan to indicate that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

3. **Proposed Official Plan Amendment – Heritage Impact Assessment**

Alderman D'Amico, Chairperson, read the following statement at the beginning of this Public Meeting:

> "As per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written submission at a Public Hearing."

The Committee was in receipt of a report dated March 17, 1999 from the General Manager, Community Planning and Development Division, respecting the above-noted matter.

The Committee was also in receipt of a report dated March 17, 1999 from the Central Area Plan Implementation Committee indicating its support for the proposed Heritage Impact Assessment process.

Joanne Hickey-Evans, Planning and Development Department, provided an overview of the report.

After some discussion on this matter, the Committee approved the following:

A. That approval be given to the proposed Official Plan Amendment, to incorporate provisions in the Official Plan to require a Heritage Impact Assessment where heritage resources are affected by major redevelopment and development proposals, as follows:

(a) Subsection C.6 - Heritage Resources be amended by including the following new policies:

6.9 A Heritage Impact Assessment may be required by the City for any development or redevelopment, both public and private initiatives, that proposes to erect, demolish or alter buildings or structures on or adjacent to properties that meet one or more of the

following criteria:

i) The properties are designated under the Ontario Heritage Act or are adjacent to buildings/structures that are designated under the Ontario Heritage Act;

ii) The buildings/structures are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest or are adjacent to buildings/structures listed on the City's Inventory of Buildings of Architectural and/or Historical Interest;

iii) The site has or is adjacent to a site that has open spaces, vistas or cultural heritage landscapes that are listed on the Cultural Landscape Resources Inventory approved by the Local Architectural Conservation Advisory Committee (LACAC); or,

iv) The properties are within or adjacent to a Heritage Conservation District.

6.10 The Heritage Impact Assessment will be processed simultaneously with the development or building permit applications when submitted to the City. The Heritage Impact Assessment will be reviewed by the Local Architectural Conservation Advisory Committee (LACAC) and any decisions will be delayed until such time as the review is completed by LACAC.

6.11 The Heritage Impact Assessment will contain the information detailed in the Heritage Impact Assessment Guidelines. These guidelines will be approved by City Council and any amendments to the Guidelines will require Council approval.

6.12 Where an environmental assessment for a proposal is processed under federal or provincial environmental assessment regulations, that assessment will be considered as fulfilling the Heritage Impact Assessment under policy 6.9, provided a professional assessment of the architectural, historical, archaeological and/or landscape value is included.; and,

(b) That the General Manager of the Community Planning and Development Division be authorized and directed to prepare a by-law, to the satisfaction of the Director of Legal Services and Corporate Counsel, for submission to the Region of Hamilton-Wentworth.

B. That the Heritage Impact Assessment Guidelines, attached as Appendix "E", be adopted by City Council.

GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

4. **Amendment to the Approved Fessenden Neighbourhood Plan - Proposed Deletion of the Walkway located between Forestgate Drive and Wendover Drive**

The Committee was in receipt of a report dated March 19, 1999 from the General Manager, Community Planning and Development Division, respecting the above-noted matter.

Christine Lee-Morrison, Planning and Development Department, provided an overview of the report and summarized the comments of the Hamilton Street Railway, the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Regional Police Department respecting the proposed deletion of the walkway between Forestgate Drive and Wendover Drive. The Committee was advised that Staff is recommending that the walkway be deleted given the Police Department's safety concerns.

Committee Members were further advised that following the Public Meeting held in February, 1999, a pedestrian count was undertaken by the Department of Public Works and Traffic on February 26, 1999, which shows that on that day, 101 persons used the walkway.

John Scott Flewelling, 3 Forestgate Drive, appeared before the Committee to express his opposition to the closure of this walkway. Mr. Flewelling indicated that a number of seniors use the walkway and disputed the Police Department's safety concerns given that the Department sited only one occurrence in 1998. Mr. Flewelling added that the overgrowth of hedges by neighbours whose properties abut the walkway is adding to the problem by narrowing the pathway for pedestrians.

George Brazel, 23 Forestgate Drive, whose property abuts the walkway, expressed his concerns respecting loitering and vandalism and reported that debris is often thrown over the fence into his backyard. Mr. Brazel added that he does not feel that the removal of the walkway would be an inconvenience as the public could use the sidewalk (which is well lit in the evenings) that is located just five houses from the existing walkway location.

Janet Holden, 240 Wendover Drive, who uses the walkway, appeared before the Committee to indicate her support that the walkway should not be removed, but just better maintained ie. trimming of the hedges coming through the fence to improve wheelchair access. Ms. Holden added that she doesn't believe the walkway has anything to do with vandalism in the area.

Alderman O'Sullivan, Ward Alderman, was also in attendance to support the Staff recommendation to close the walkway given the Police Department's safety concerns. Alderman O'Sullivan added that he doesn't believe that its removal would have a major impact on pedestrian traffic and informed the Committee of the snow clearing/flooding problems that have been experienced by abutting property owners.

Alderman Copps indicated that attempts should first be made to clean up the walkway and questioned the cost of adding lighting. Christine Lee-Morrison indicated that this option has been investigated, but that the Department of Public Works and Traffic has indicated that it would be difficult to light this area.

Alderman D'Amico, Ward Alderman, added that the closure of the walkway is a difficult decision, but supports the closure.

The Committee approved the following:

(a) That the Approved Fessenden Neighbourhood Plan be amended by deleting the walkway located between Forestgate Drive and Wendover Drive, as shown on the attached Appendix "F"; and,

(b) That the closure and disposal of the walkway located between Forestgate Drive and Wendover Drive in the Fessenden Neighbourhood, as shown on the attached Appendix "F", be referred to the Transport and Environment Committee for implementation.

Alderman Copps wished to be recorded as opposed to this motion.

5. **Deletion of "Public Parking Lots" as a Permitted Use in the Downtown Area and "CR"(Commercial/Residential) Districts**

The Committee was in receipt of a report dated March 24, 1999, from the General Manager, Community Planning and Development Division, respecting the above-noted matter.

The Committee approved the following:

That Staff be directed to give Notice of a Public Meeting for consideration of City Initiative 99-B respecting a general text amendment to Zoning By-law No. 6593 to delete "Public Parking Lots" as a permitted use in the Downtown Area and in "CR" (Commercial/Residential) Districts throughout the City, as shown on the attached map marked as APPENDIX "G".

6. **Tax Incentive Program for Designated Heritage Buildings in the Downtown**

The Committee was in receipt of a report dated April 1, 1999 from the General Manager, Community Planning and Development Division, respecting the above-noted matter.

Nina Chapple, Planning and Development Department, provided an overview of the report.

Alderman Corsini questioned if other buildings in close proximity to the downtown core would benefit from this program. Nina Chapple responded that this program is for designated buildings in the Hamilton Downtown Community Improvement Project Area only. Victor Abraham, Director, Planning and Development Department, added that if it is the will of Council to have all heritage properties included in this Program, that the City could establish the entire City, or specific areas, as a Community Improvement Project Area.

The Committee approved the following:

(a) That approval be given for a Tax Incentive Program, as outlined in Appendix "H", for commercial/industrial buildings designated under the Ontario Heritage Act which are located within the Hamilton Downtown Community Improvement Project Area which would pay for that part of the cost of rehabilitating such buildings by means of an annual rebate for the five-year period following completion of such work; and,

(b) That the Downtown Hamilton Community Improvement Plan be amended to include the said Tax Incentive Program and that

Community Planning and Development Division Staff be authorized to take the steps required to give Public Notice of the proposed amendment and to arrange the Public Meeting to be held with the Planning and Development Committee in accordance with the Planning Act's requirements for amending the Hamilton Downtown Community Improvement Plan; and,

(c) That the Director of Legal Services and Corporate Counsel be directed to prepare a By-law for presentation to City Council to adopt the said amendment and subsequently submit an application to the Minister of Municipal Affairs to approve the said By-law, including the provision of the said bonus rebates to the commercial landowners.

7. **CONSENT AGENDA**

A. **ADOPTION OF MINUTES**

The Committee was in receipt of the Minutes of the Planning and Development Committee for its meeting held March 24, 1999 and the following amendments were made:

a) page 7 – Item 6(a) – the last line of the fourth paragraph was amended to read as follows:

"The Committee concurred and directed staff to prepare an amendment to the Zoning By-laws for the deletion of parking lots as a permitted use in the downtown area and "CR" (Commercial/Residential) Districts."

b) page 1 – the first line of the first paragraph under "Public Meetings – 9:30 o'clock a.m." was amended by changing the word "each" to "this"; and,

c) page 2 – Item 2 – the following paragraph was inserted at the beginning of this Item:

"Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written submission at a Public Hearing."

The Minutes were adopted as amended.

B. **GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION**

(i) **City of Hamilton Comments – Proposed Rezoning and Official Plan Amendment, south-west Corner of Rymal Road and Swayze Road, Township of Glanbrook**

The Committee was in receipt of a report dated March 15 from the General Manager, Community Planning and Development Division, respecting the above-noted matter.

The Committee approved the following:

(a) That the Municipal Clerk advise the Township of Glanbrook and the Region of Hamilton-Wentworth that the City of Hamilton does not support the proposed rezoning and Official Plan Amendment at Rymal Road and Swayze Road, as shown on the

attached map marked Appendix "I", for the following reasons:

(i) the proposal will undermine the viability of lands presently designated for Commercial as established by the City of Hamilton Official Plan; and,

(ii) the supporting background documentation on market assessment/demand has overstated future commercial demand; and,

(iii) the proposal appears to be in conflict with Policy H.1.2 of the Glanbrook Official Plan; and,

(b) That the report of the General Manager, Community Planning and Development Division, dated March 15, 1999, as presented to the Planning and Development Committee at its meeting held April 7, 1999 respecting comments on the Proposed Rezoning and Official Plan Amendment at Rymal Road and Swayze Road, be forwarded to the Township of Glanbrook for consideration at the Public Meeting to be held on Monday, April 26, 1999.

(ii) **Authorization for Staff Attendance to an Ontario Municipal Board Hearing – no. 125 Longwood Road North**

The Committee was in receipt of a report dated March 26, 1999 from the General Manager, Community Planning and Development Division, respecting the above-noted matter.

The Committee approved the following:

That the appropriate Staff (e.g. Legal Services and Corporate Counsel, Planning and Development Department) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-98:254, respecting the property located at No. 125 Longwood Road North, as shown on attached map marked as Appendix "J".

(iii) **Authorization for Staff Attendance to an Ontario Municipal Board Hearing – no. 2803 King Street East**

The Committee was in receipt of a report dated March 26, 1999 from the General Manager, Community Planning and Development Division, respecting the above-noted matter.

The Committee approved the following:

That the appropriate Staff (e.g. Legal Services and Corporate Counsel, Planning and Development Department) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-98:237, respecting the property located at No. 2803 King Street East, as shown on attached map marked as Appendix "K".

C. ACTING SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item – Entertainment Centres

The Committee was in receipt of a report dated March 30, 1999 from the Acting Secretary, Planning and Development Committee, respecting the above-noted matter.

The Committee approved the following:

That the following Information Item, which has been previously distributed to Members of the Planning and Development Committee under separate cover, be received for information purposes:

(a) Information Report dated March 22, 1999, from the General Manager, Community Planning and Development Division entitled "Entertainment Centres – General Information" (distributed on March 30, 1999).

8. PRIVATE AND CONFIDENTIAL AGENDA

Entertainment Centre

The Committee adjourned to meet **in camera** to discuss a proposed or pending acquisition of land for municipal or local board purposes.

The Committee recovened in open session and ajourned.

9. ADJOURNMENT

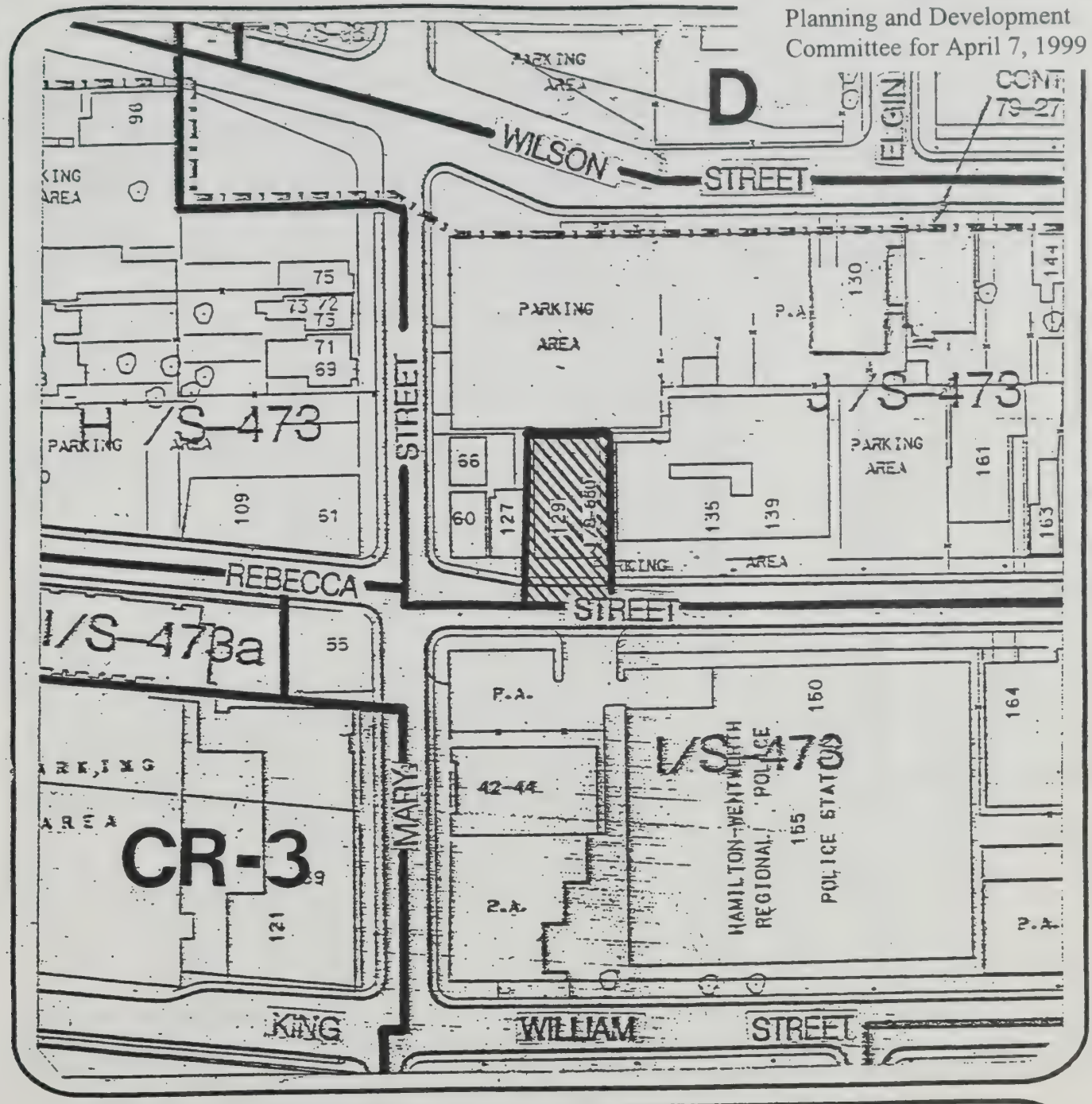
There being no further business, the meeting then adjourned.

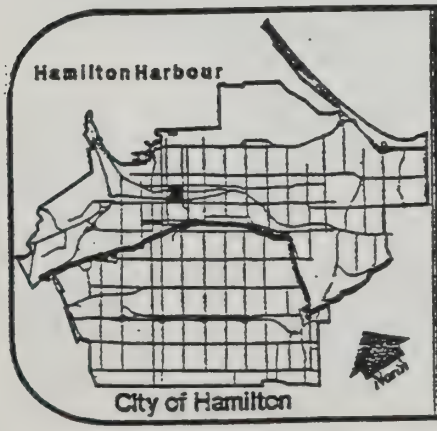
Taken as read and approved,

Alderman F. D'Amico, Chairperson
Planning and Development Committee

Charlene Touzel, Acting Secretary

Appendix "A" as referred to in Section 1 of the Minutes of the Planning and Development Committee for April 7, 1999





PLANNING AND DEVELOPMENT DEPARTMENT

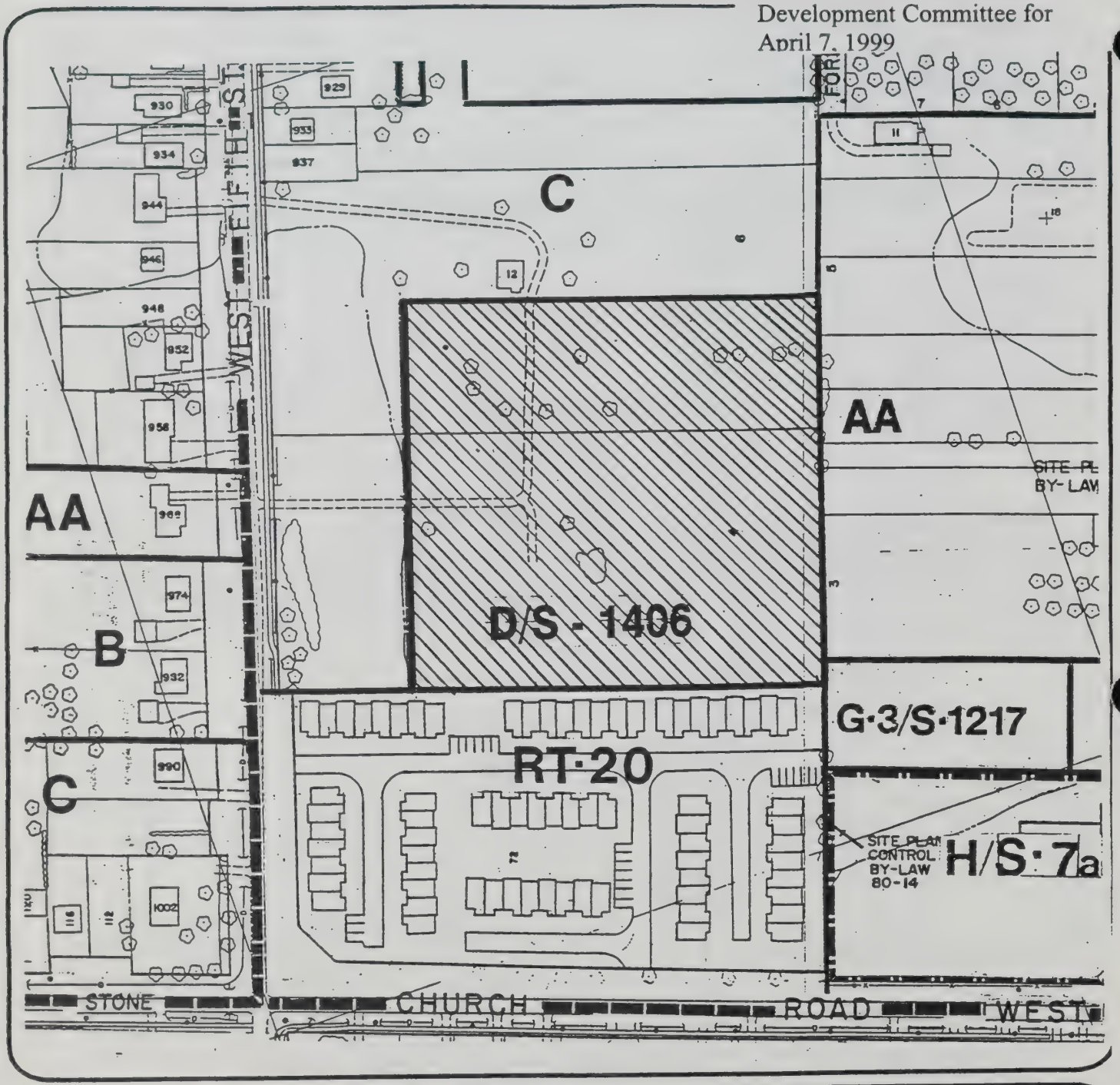
Location Map

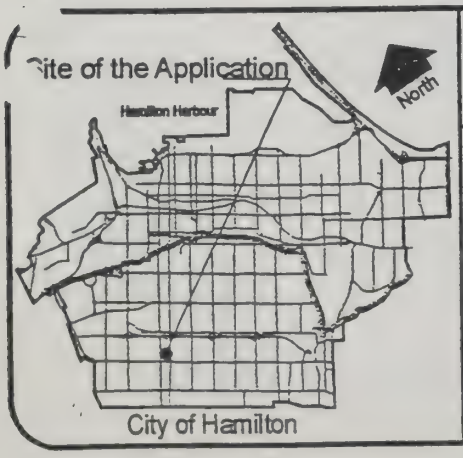
Legend

Site of application

Reference file:	ZAC-99-01
Scale	Not to Scale
Date	January, 1998
Technician:	F.N.

Appendix "B" as referred to in Section 2.A. and 2.E. of the Minutes of the Planning and Development Committee for April 7, 1999





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

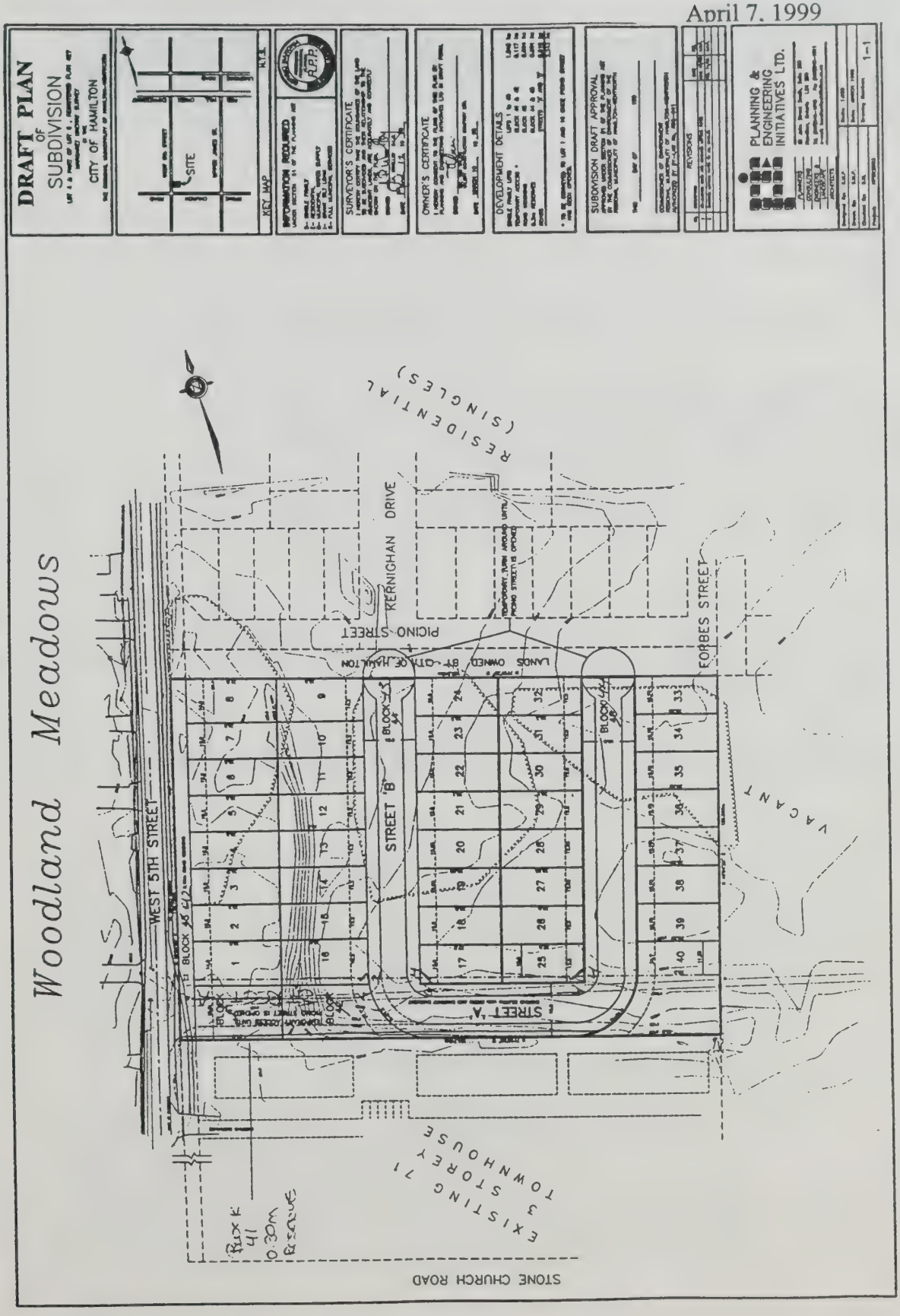
Legend

Change in Zoning from:

"D" (Urban Protected Residential - One and Two Family etc.) District, modified to "C" (Urban Protected Residential) District, modified

Reference file:	**ZAC-99-06**
Scale	**Not to Scale**
Date	**March, 1999**
Technician:	**B. B.**

Appendix "C" as referred to in Section 2.A.(a) of the Minutes of the Planning and Development Committee for April 7, 1999



Red-Line Revised Plan

Appendix "D" as referred to in Section 2.C. of the Minutes of the Planning and Development Committee for April 7, 1999

City of HAMILTON
71 Main Street West, Hamilton, Ontario, L8P 4Y5
Tel. (905) 546-2700 / Fax (905) 546-2095

1998 July 2

Mr. J. D. Thoms
Commissioner of Planning and Development
Planning and Development Department
The Regional Municipality of Hamilton-Wentworth
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Dear Sir:

Re: ZAC-98-13 and SA-98-01 "Woodland Meadows", lands east of West 5th Street and north of Stone Church Road West

Council at its meeting of 1998 June 30 approved section 2 of the Thirteenth Report of the Planning and Development Committee as follows:

2.A. (a) That approval be given to Revised Subdivision Application 98-01 (Regional File No. 25T-98003), Valery Construction Company Limited, owner, to establish a draft plan of subdivision "Woodland Meadows", for lands east of West 5th Street and north of Stone Church Road West, comprising of 18 lots for single family dwellings, 8 lots for semi-detached dwellings, 5 blocks for street townhouses, 1 block being a 0.30 m reserve, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", as shown on the attached map marked as Appendix "C", subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by J.P. Wooley, O.L.S. dated March 10, 1998, showing 18 lots for single detached dwellings, 8 lots for semi-detached dwellings, 5 blocks for townhouse units, 1 block being a 0.30 m reserve, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", attached as Appendix "D"; and,

(ii) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(vi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(viii) That the Owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:

1. That the Owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:

   a. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

   b. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,

   c. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the requirements of the approved erosion and sediment control plan be included within the Subdivision Agreement for this property; and,

(ix) That the 5.18m road widening on West 5th Street, shown as Block 33, be dedicated to the Region of Hamilton-Wentworth for road widening purposes on the final plan; and,

(x) That Block 32 be removed and established as Street "A" on the final plan; and,

(xi) That the Owner agree to include the following clause in a registered portion of the subdivision agreement, to be registered on title of all lots within the plan of subdivision abutting West 5th Street and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

Purchasers are advised that noise levels originating from West 5th Street may become of concern, occasionally interfering with some activities of the occupant.

(xii) That the Owner agree to include the following clause in a registered portion of the subdivision agreement, to be registered on title of all Lots and Blocks within the subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

Purchasers are advised that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

(xiii) That a 1m by 1m daylight triangle road widening be established at the intersection of the "public street" and West 5th Street from Lot 1; and,

(xiv) That a minimum 4m by 4m daylight triangle road widening be established on Lot 15 and 26 at the L-shape bend in the road on Street "A" and Street "B" to accommodate the off tracking of vehicles through the 90 degree bend in the 18.0m road allowance; and,

(xv) That a 2m by 2m daylight triangle be established at the corner of Street "B" and the "public street" to West 5th Street from Block 14; and,

(xvi) That prior to the final approval of 18m road rights-of-ways for the new "public street" to West 5th Street and Streets "A" and "B", the applicant/owner must provide written confirmation from all the respective Utility Companies that their facilities can be accommodated within the 18m right-of-way while still maintaining the standard municipal roadway cross section and municipal sidewalk locations. The owner will provide and pay for permanent conduit as required for various utilities due to the reduced road allowance width; and,

(xvii) That the owner be required to pay for the entire construction of Street "A" from West 5th Street easterly; and,

(xviii) The outside corner street radius on Street "A" should be decreased from 21.5m to 15m; and,

(xix) That the applicant/owner provide the future replacement of Street "A" from Street "B" to West 5th Street with a walkway. This includes curb/street removal, landscaping and the curb alterations required at the intersections of Street "B" and Street "A" and Street "A" and West Fifth Street; and,

(xx) That the owner establish and convey a .30m reserve, shown as Block 32, along the south side of Street "A" to the City of Hamilton on the final plan for the purposes of access control; and,

(xxi) That the Owner provide and implement a Landscape and Tree Preservation Plan to the satisfaction of the Commissioner, Regional Environment Department; and,

(xxii) That the owner grant the City temporary right-of-way over Lots 9, 20, 21 and 31 in order to construct the standard 9m radius turning circles and provide a minimum of 6m behind the turning circle for snow storage, the construction of temporary drainage facilities and the temporary location of Utilities, as required; and,

(xxiii) That the owner agree not to request Building Permits for Lots 9, 20, 21 and 31 until such time as the temporary cul-de-sacs have been removed and a permanent street has been constructed adjacent to these lots to the satisfaction of the City of Hamilton; and,

(xxiv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98003), Valery Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

B. That approval be given to Amended Zoning Application 98-13, Valery Construction Company Limited, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Block "2") for lands located east of West 5th Street and north of Stone Church Road West, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(b) That Block "2" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District; and,

(c) That the "D" (Urban Protected Residential - One and Two Family District, etc.) District regulations, as contained in Section 10. of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 10.(1) of Zoning By-law No. 6593, only the following uses shall be permitted:

1. not less than 10 single family dwellings; and,

2. not more that 8 two-family dwellings; and,

3. not more than 16 street townhouse dwelling units subject to the "RT-30" District provisions of Section 10F.

(ii) That notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:

1) A front yard having a depth of not less than 4.5 m to the main wall of the dwelling shall be provided and maintained; and,

2) A front yard having a depth of not less than 6.0 m to the garage or carport shall be provided and maintained; and,

(iii) That notwithstanding Section 10F.(9) of Zoning By-law No. 6593, for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,

(iv) That notwithstanding Section 10F.(4)(a) of Zoning By-law No. 6593, the following shall apply:

1) A front yard having a depth of not less than 4.5 m to the main wall of the dwelling shall be provided and maintained; and,

2) A front yard having a depth of not less than 6.0 m to the garage or carport shall be provided and maintained; and,

(d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1406, and that the Block "2" on Zoning District Map W-9C be notated S - 1406; and,

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,

(f) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Blocks "1" and "2" to Schedule "A", including single family and two family dwellings; and,

(g) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Blocks "1" and "2", including single family and two family dwellings under Site Plan Control; and,

(h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(i) That upon finalization of the implementing Zoning By-law, the approved Kernighan Neighbourhood Plan be amended to redesignate Blocks "1" and "2" from "Civic & Other Institutional" and "Utilities" to "Single & Double & Attached Housing" Residential and to recognize the road pattern and lotting configuration as shown on the revised draft plan of subdivision. In addition, a notation should be added to the Kernighan Neighbourhood Plan to indicate that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

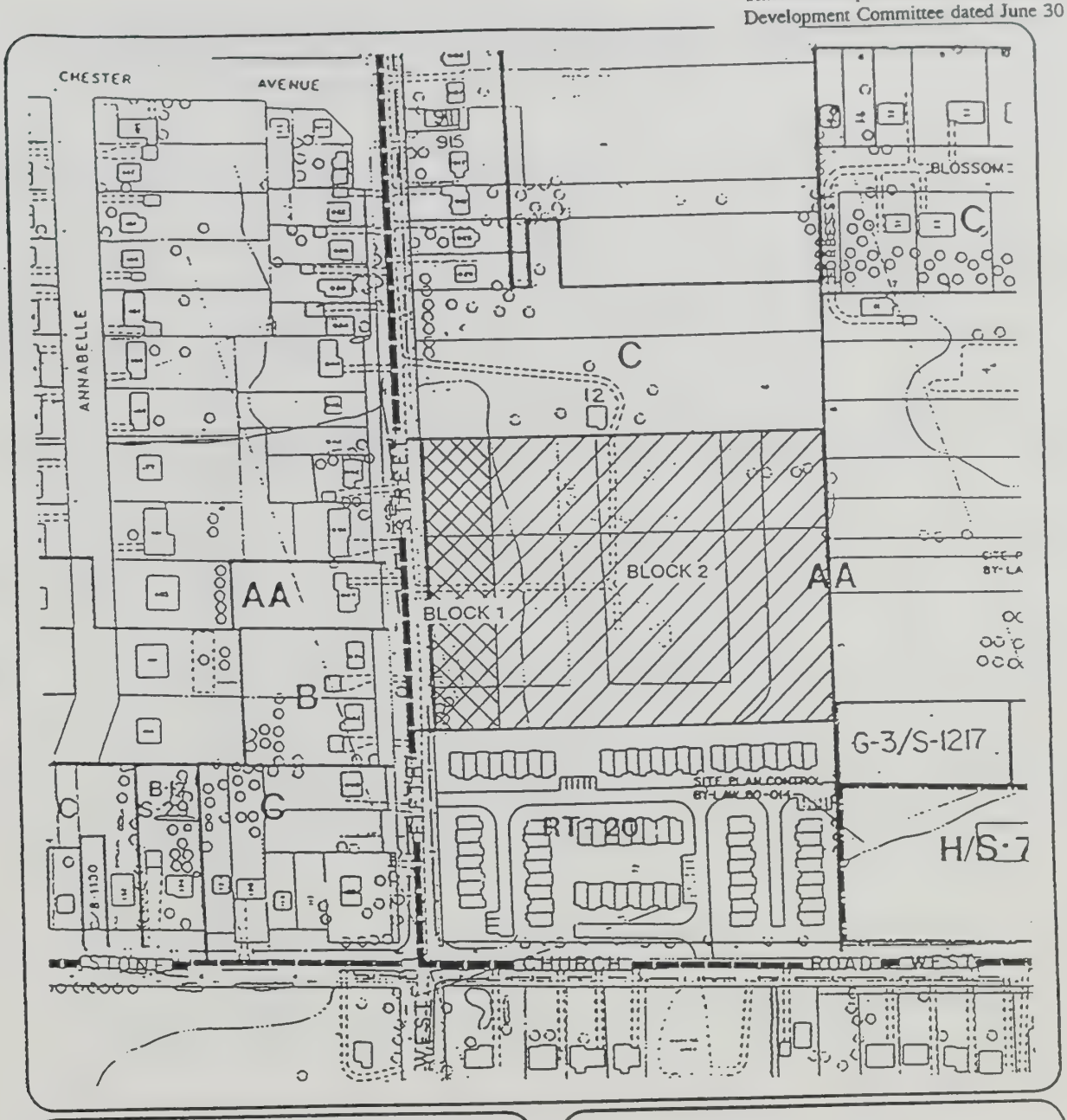
Yours Truly

Kevin Christenson
Acting City Clerk

attach.

cc Victor Abraham, Director
Planning and Development Department

Appendix "C" as referred to
in Section 2 A (a) & 2 B of the
Thirteenth Report of the Planning and
Development Committee dated June 30



Legend

BLOCK 1 — Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

BLOCK 2 — Change in zoning from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District, modified.

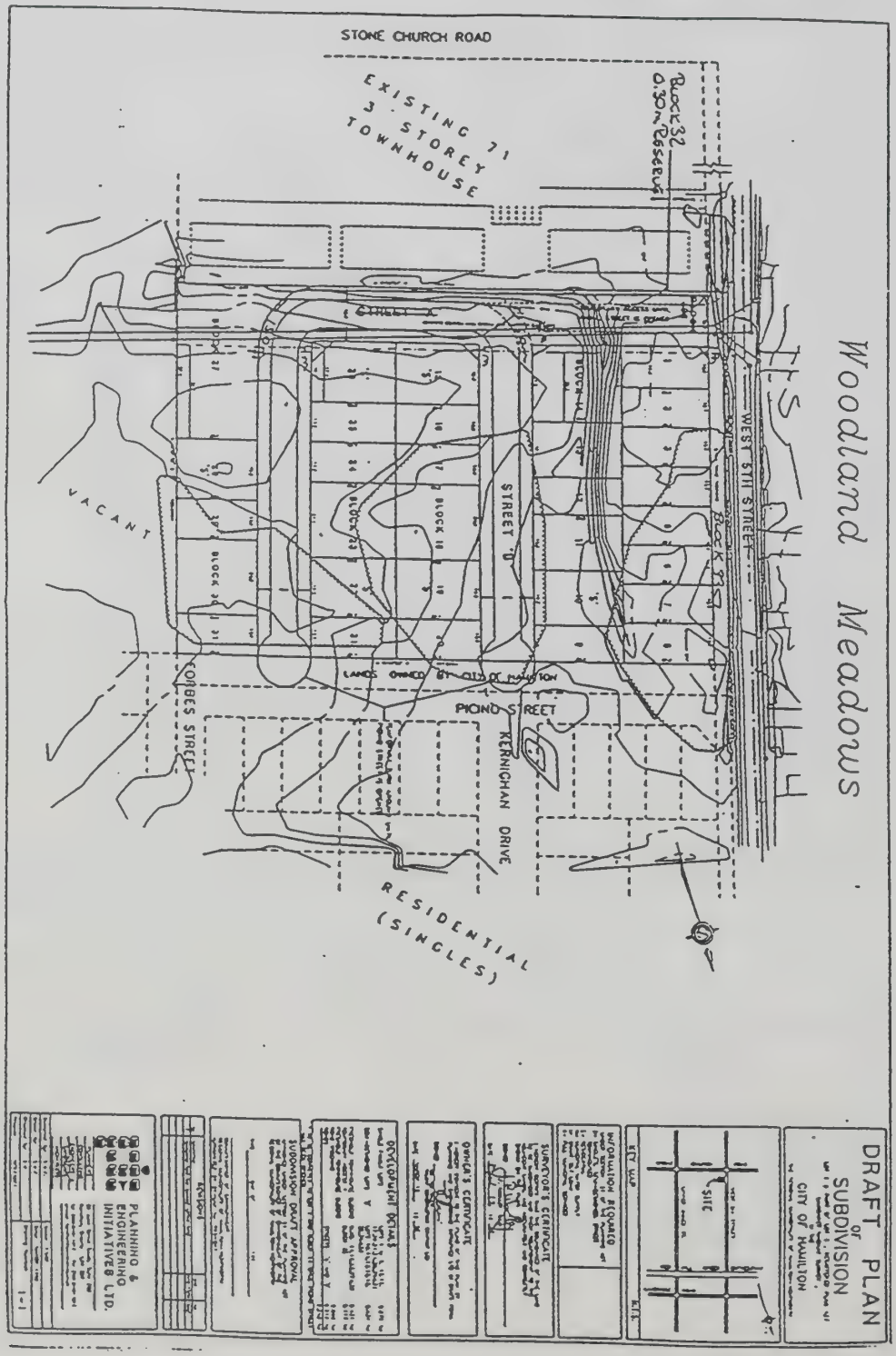
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC 98-13
	Date	Drawn By
	June 1998	R.L

Appendix "D" as referred to in
Section 2 A (i) of the Thirteenth Report
Planning and Development
Committee dated 1998 June 30



Appendix "E" as referred to in
Section 3.B. of the Minutes of
the Planning and Development
Committee for April 7, 1999

Heritage Impact Assessment Guidelines

WHAT IS A HERITAGE IMPACT ASSESSMENT?

A Heritage Impact Assessment is a study that identifies potential impacts of redevelopment/development on heritage resources in a particular location. The goal of the Plan is to identify those resources which will be impacted and provide mitigative measures that would minimize impacts on such resources.

UNDER WHAT CIRCUMSTANCES ARE HERITAGE IMPACT ASSESSMENTS REQUIRED?

In cases of plans of subdivision, severance, official plan amendments, rezoning, site plan, where a property contains:

1. The properties are designated under the Ontario Heritage Act or are adjacent to buildings/structures that are designated under the Ontario Heritage Act;

2. The buildings/structures are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest or are adjacent to buildings/structures listed on the City's Inventory of Buildings of Architectural and/or Historical Interest;

3. The site has or is adjacent to a site that has open spaces, vistas or cultural heritage landscapes that are listed on the Cultural Heritage Landscape Resources Inventory approved by the Local Architectural Conservation Advisory Committee (LACAC); or,

4. The properties are within or adjacent to a Heritage Conservation District

then the owner/developer may be required to submit a Heritage Impact Assessment for review and comment by the Community Planning and Development Division. The necessity of the Heritage Impact Assessment will depend on the magnitude of impact on the heritage resources.

This Heritage Impact Assessment will be done prior to or in conjunction with the approvals required for the plan of subdivisions. In this regard, any conditions that may be imposed, can be done through the conditions of approval for the development applications

HOW DOES THE HERITAGE IMPACT ASSESSMENT FIT INTO THE PLANNING PROCESS?

APPENDIX "A-1" graphically illustrates how the Heritage Impact Assessment fits into the planning process. Every effort will be made by the Community Planning and Development Division to ensure the property owner/developer is aware of the heritage resources on or adjacent to the property and whether or not an assessment is required. Staff will meet with the proponents to talk about their particular property.

The Heritage Impact Assessment process is similar to other studies where additional information is required to be supplied by the proponent before a decision on the development applications can be rendered. As the applications are being processed the appropriate staff will process the Heritage Impact Assessment which includes receiving input from LACAC.

If changes are required to the plan/building etc., then additional time may be required. The comments on the Heritage Impact Assessment will form part of the report to the Planning and Development Committee/Committee of Adjustment on the development application.

WHO REVIEWS A HERITAGE IMPACT ASSESSMENT ?

The Heritage Impact Assessment is not approved in a formal sense (i.e. Planning and Development Committee). A report on the Heritage Impact Assessment will be prepared by the staff of the Community Planning and Development Division and then presented to LACAC for their review. If there are conditions to be applied to the development proposal, they will be incorporated into the Planning report presented to the Planning and Development Committee.

If the proponent does not agree with the staff comments on the Heritage Impact Assessment, then he/she will have an opportunity to present his/her views to the Planning and Development Committee

WHAT INFORMATION IS REQUIRED FOR A HERITAGE IMPACT ASSESSMENT?

A Heritage Impact Assessment is to be prepared by a person qualified as a professional heritage consultant. Similar to planners, heritage consultants are members of a professional organization called the Canadian Association of Professional Heritage consultants.

As part of the Heritage Impact Assessment, the heritage consultant will be required to address the "*Eight Guiding Principles in the Conservation of Historic Properties*", prepared by the Ontario Ministry of Citizenship, Culture and Recreation.

> "The guiding principles are ministry statements in conservation of historic properties and are based on international charters which have been established over a century. These principles provide the basis for all decisions concerning good practice in architectural conservation around the world. Principles explain the "why" of every conservation activity and apply to all heritage properties and their surroundings."

The Assessment will include:

1. Identification and evaluation of the heritage resources including the completion of a detailed occupational and site biography;

2. Photographic and/or measured drawings of the heritage resources in the context of their setting;

3. Explanation of how the proposal may impact on the heritage resources

4. Identification of several conservation options taking into account the significance of the heritage feature itself, the context of the resource and all applicable municipal, provincial or federal policies regarding heritage matters.

The advantages and disadvantages of ***each conservation option*** (listed below and in order of preference) that preserve the integrity and the value of the resources will be clearly articulated and the preferred option identified. The following list includes conservation options in order of preference:

a) Avoidance Mitigation: Preservation/Conservation, Adaptive Re-use, Incorporation
b) Salvage Mitigation: Relocation, Ruinification and symbolic conservation.
c) Technical recording mitigation: photogrammetry and as found measured drawings.

GLOSSARY

Adaptive re-use: This technique allows for the use of the resource, particularly buildings and structures, for another function. They are often restored or rehabilitated for this function. In the consideration of this option, the significance of the heritage resource must be kept and/or enhanced.

Facadism: This technique allows the exterior of the building to be retained and the interior removed.

Heritage resources include buildings, structures, districts, cultural heritage landscapes, vistas, either individually or in a group that are considered to have historic, archaeological, scenic and architectural significance. These resources also include monuments, archaeological and historic sites

Incorporation: This option allows for all or part of the heritage resource to be included in the redevelopment scheme either though additions to it, or incorporation into a larger building or structure. Generally, the entire building/structure is retained.

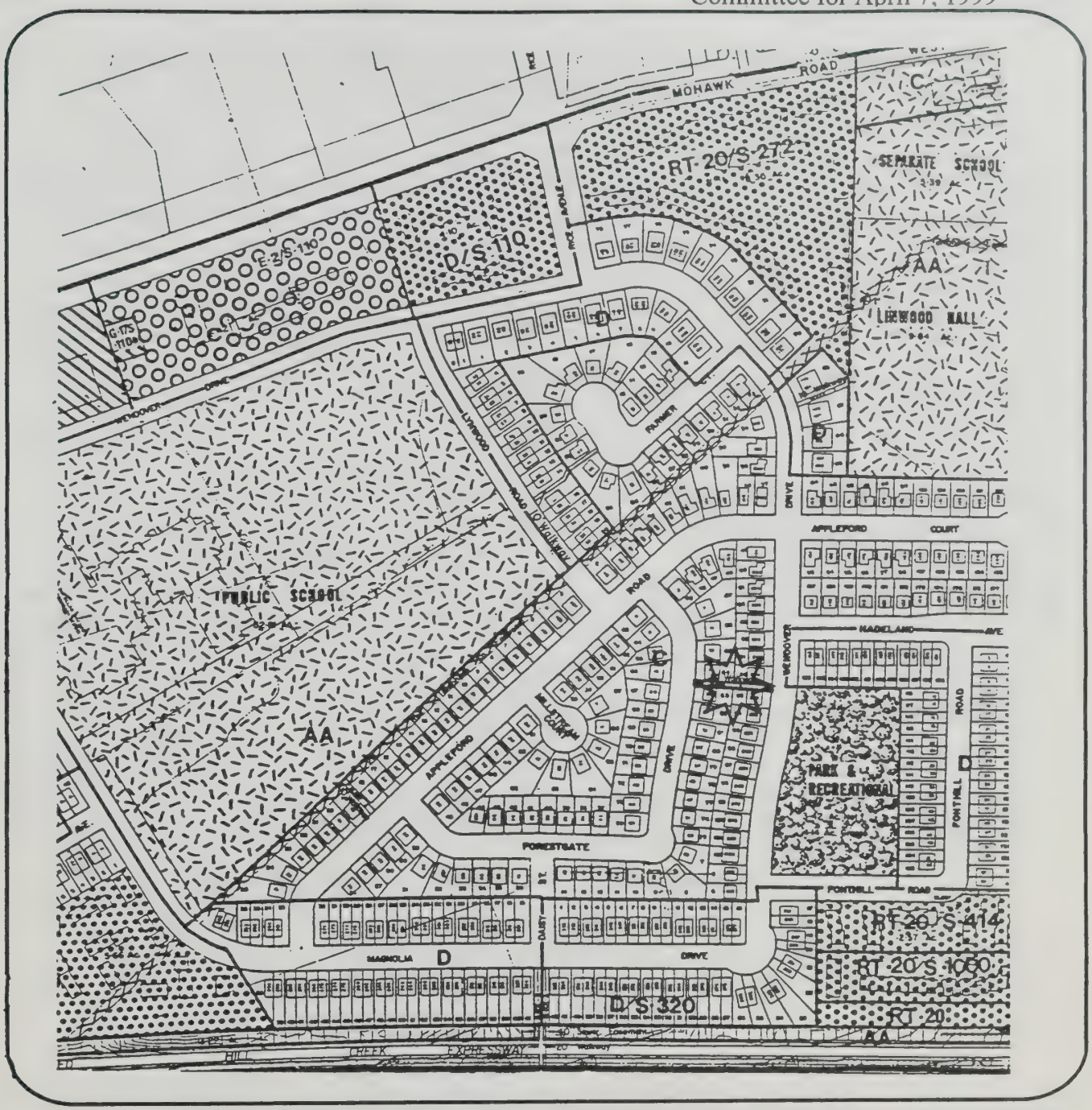
Preservation/Conservation: This technique will allow for the retention of the heritage resources without changing it or altering the setting in which it is located.

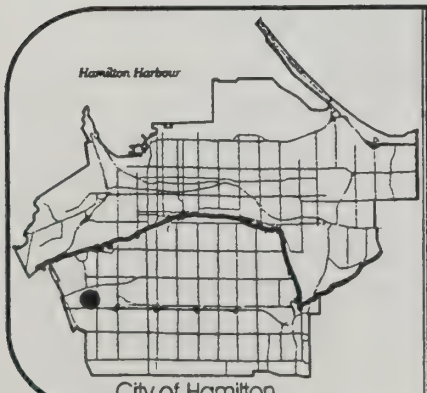
Relocation: This technique involves the removal of the heritage resource to another location/setting.

Ruinification: This technique allows the exterior or portion of it to be retained as a ruin and adapted into the use.

Symbolic conservation: This option allows pieces/parts of the heritage resources to be incorporated into the new buildings/structures or the design of heritage features for the building or structure that replicate the existing heritage resource.

Appendix "F" as referred to in Section 4.(a) and 4.(b) of the Minutes of the Planning and Development Committee for April 7, 1999





PLANNING AND DEVELOPMENT DEPARTMENT

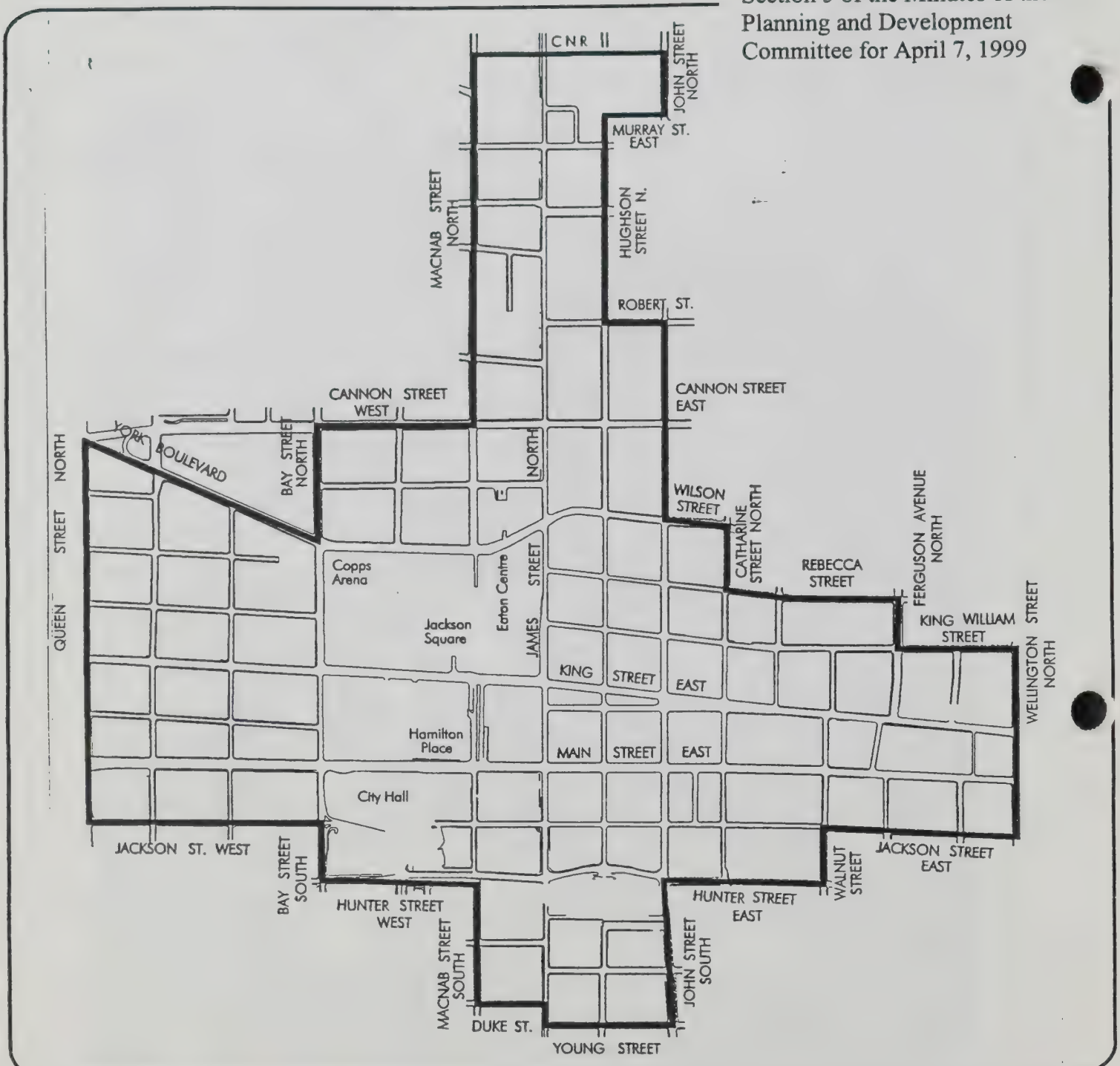
Location Map

Legend

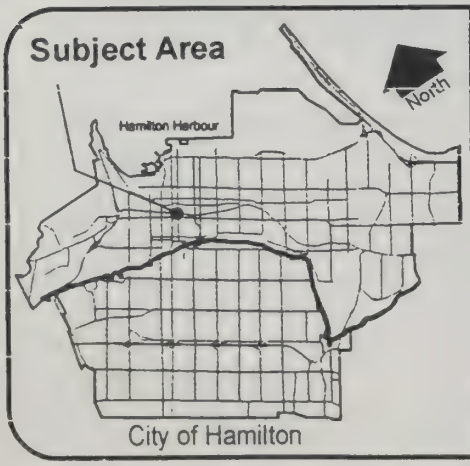
Proposed Neighbourhood Plan Amendment to delete walkway.

Reference file: PS-2-46
Scale Not to Scale
Date Nov. 98
Technician: K.E.
North

Appendix "G" as referred to in Section 5 of the Minutes of the Planning and Development Committee for April 7, 1999



Subject Area



PLANNING AND DEVELOPMENT DEPARTMENT

Appendix

Legend

Public Parking lots not permitted within this area

Reference file:	**CI-99-B**
Scale	**Not to Scale**
Date	**March, 1999**
Technician	**D.L.**
	APPENDIX

Appendix "H" as referred to in Section 6.(a) of the Minutes of the Planning and Development Committee for April 7, 1999

TAX INCENTIVE PROGRAM FOR DESIGNATED COMMERCIAL/INDUSTRIAL BUILDINGS IN HAMILTON'S DOWNTOWN

Description

The intent of the Tax Incentive Program is to provide an economic catalyst for renovating commercial buildings located within the Hamilton Downtown Community Improvement Project Area, which are designated under the Ontario Heritage Act. The Program establishes a five-year rebate on the increased realty taxes related to the City and the Regional portion of the increase. This increased property assessment is a direct result of the renovation of the building and represents the differential between the pre-renovation assessment and the post-renovation assessment.

Eligibility criteria:

The building must be designated under the Ontario Heritage Act, and has a present or former use as a commercial or industrial building;

The building must be located within the boundaries prescribed in the Hamilton Downtown Community Improvement Plan (Queen Street to Victoria Avenue, Hunter to Cannon Streets);

Application for this tax incentive will only be accepted after final approval of this program; and,

If new construction is added to the historic building as part of the total project, the tax rebate will only apply to the original size of the designated heritage building.

Requirements:

The building would have to be renovated in such a way that would complement the Reasons for Designation, and that a Heritage Permit must be approved by City Council for any alterations to the heritage features identified in the Reasons for Designation;

The property must be insured at replacement value;

The property shall not be in property tax arrears;

The total amount of tax benefit is not to exceed the cost of the work done; rebates will cease when the amount equals the value of the work done; and

The property owner may apply for the Tax Incentive Program at the time a Building Permit is applied for and will sign a Tax Incentive agreement with the City when the impact of the construction to the tax roll is available to the City.

Conditions:

Only the City and Regional portion of the property tax increase is eligible; the percentage of the property taxes paid for education is not eligible.

If a building is sold within this five-year period, the tax incentive will continue with the new owner after the sale of the building;

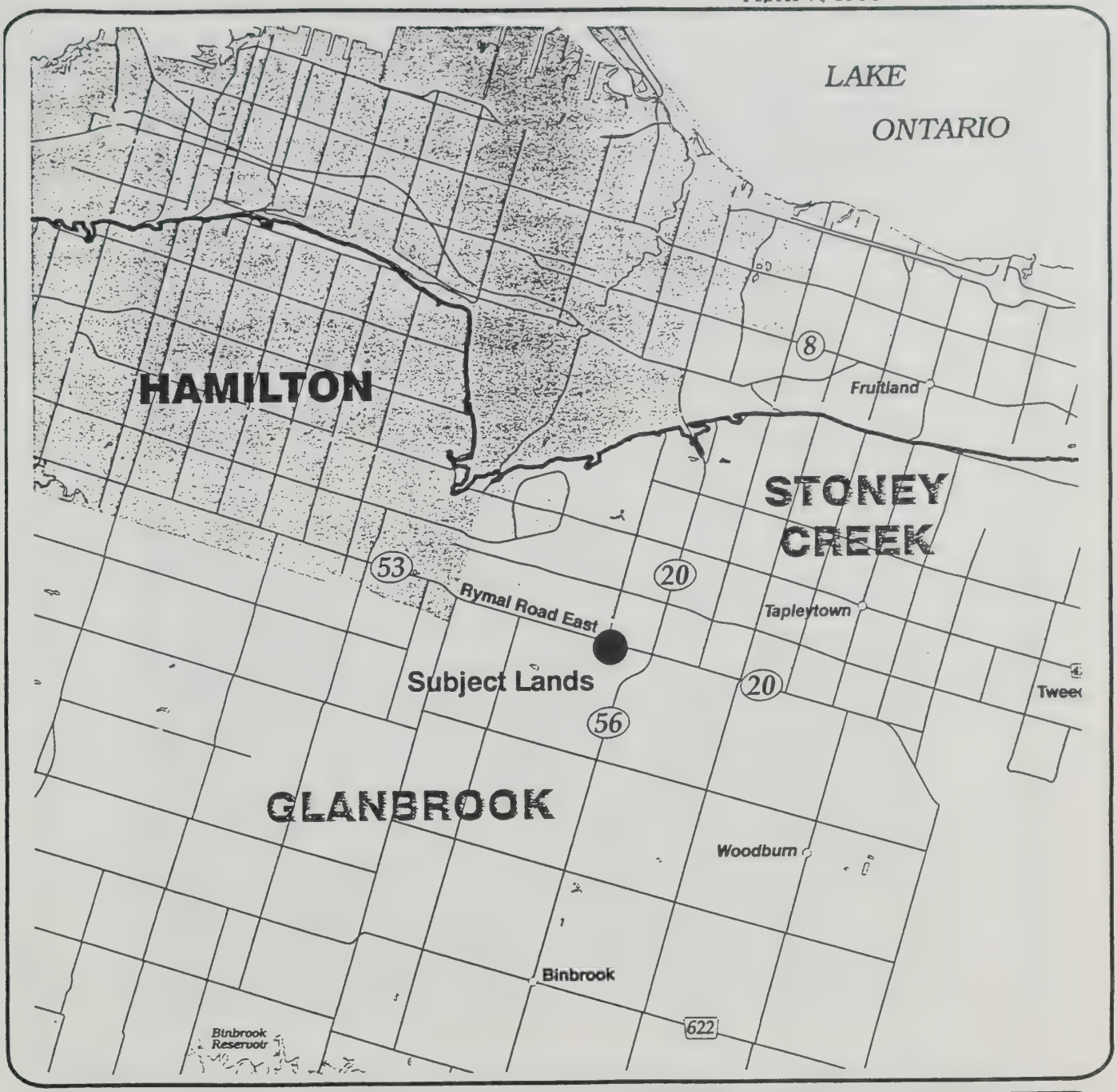
The property will continue to be eligible for the tax incentive program as long as it is maintained in its rehabilitated condition during the said five-year period;

The City may discontinue the Tax Incentive Program at any time; however, participants prior to its closing will continue to receive the rebates, which had been determined for their properties.

Each rebate application will be subject to Council Approval, including the availability of City funds and to such other conditions as Council may require.

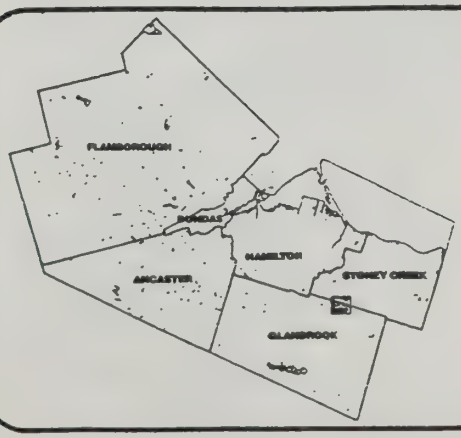
The property tax assessment at the time of application will be used to determine the pre-renovation tax. The amount of the property's assessment will be determined by the yearly mill rate.

Appendix "I" as referred to in Section 7. B. (i)(a) of the Minutes of the Planning and Development Committee for April 7, 1999



PLANNING AND DEVELOPMENT DEPARTMENT

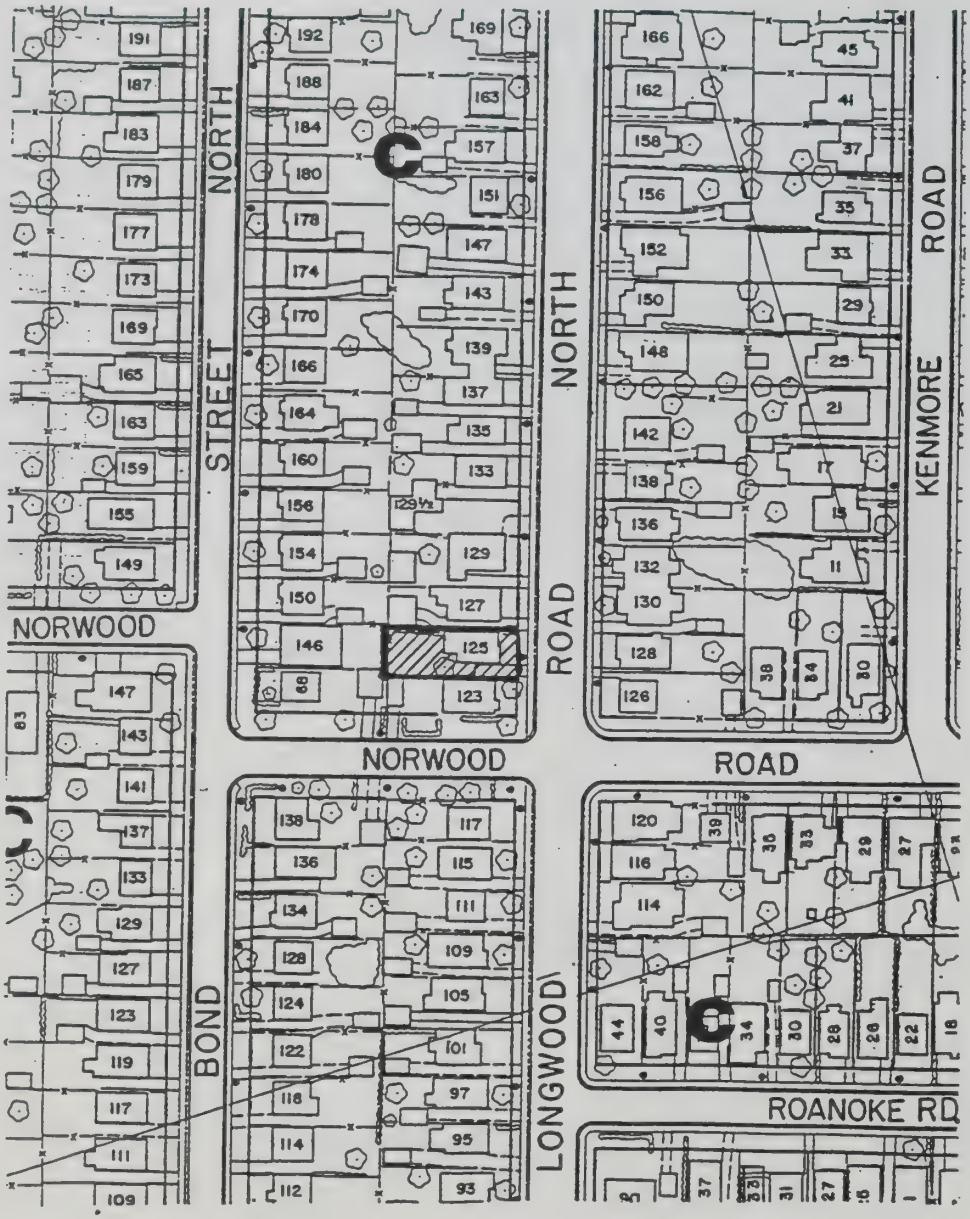
Location Map

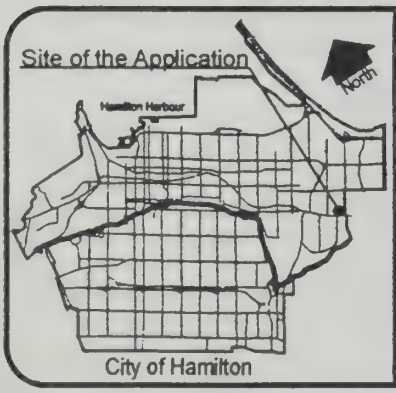


● **Subject Lands**

Reference file:	
Scale	**Not to Scale**
Date	**March,1999**
Technician:	**D.L.**
North	

Appendix "J" as referred to in Section 7. B. (ii) of the Minutes of the Planning and Development Committee for April 7, 1999





PLANNING AND DEVELOPMENT DEPARTMENT

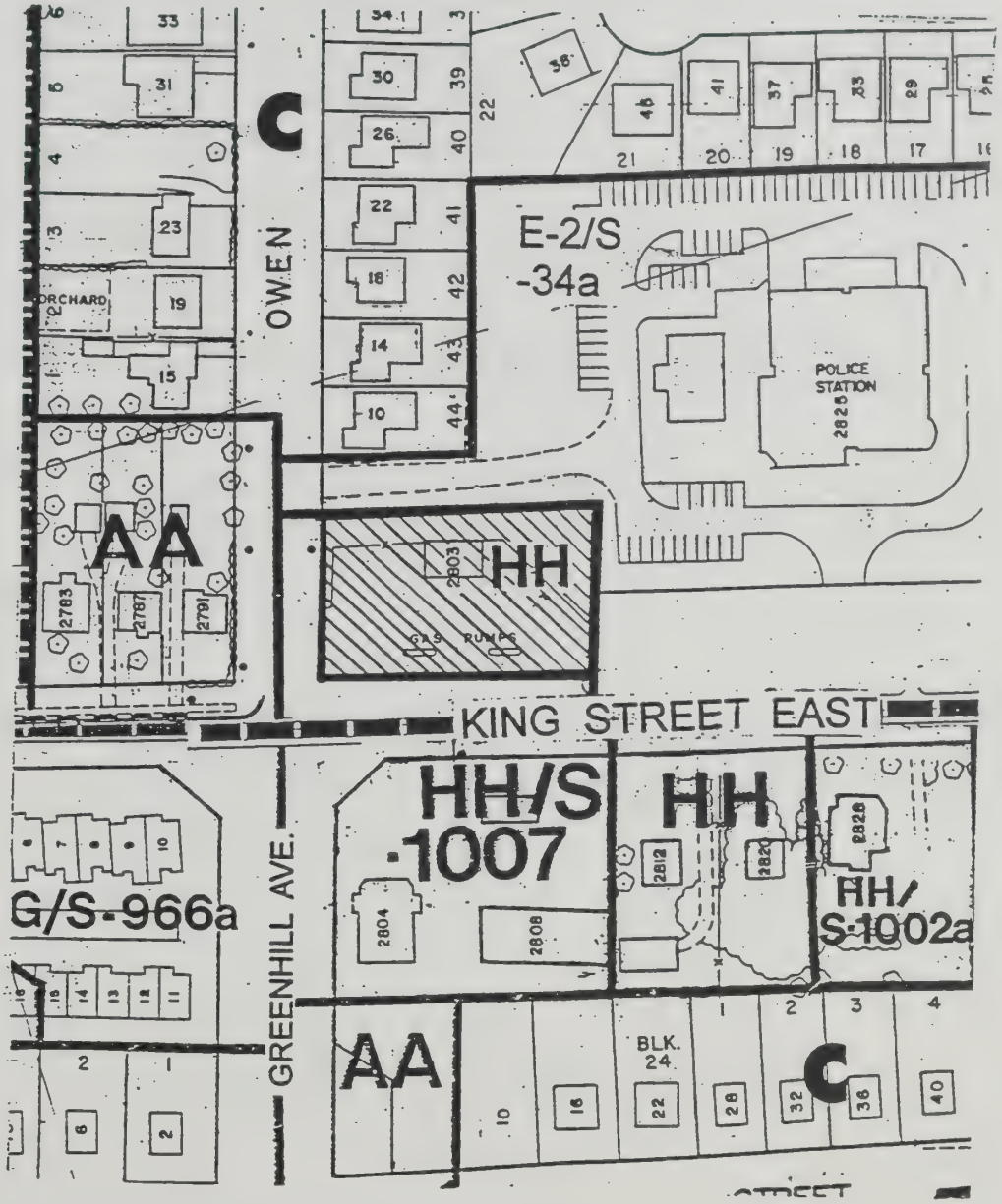
Location Map

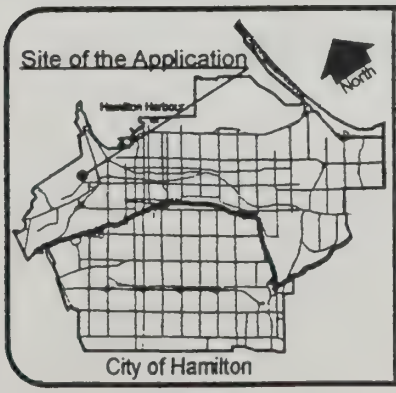
Legend

Site of the Application

Reference file:	**A-98:254**
Scale	**Not to Scale**
Date	**March, 1999**
Technician:	**B. B.**

Appendix "K" as referred to in
Section 7. B. (iii) of the
Minutes of the Planning and
Development Committee for
April 7, 1999





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

Reference file:	**A-98:237**
Scale	**Not to Scale**
Date	**March,1999**
Technician:	**B. B.**

B(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 06 April 1999
S701-62, M.P. Sabelli, C.E.T.

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning & Development Division

SUBJECT: **"ANNABELLE PLACE", Hamilton**
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That the City of Hamilton now accept the sum of $ 10,000.00 as a cash payment in lieu of the 5% land dedication in connection with "Annabelle Place", Hamilton being the cash payment required under Section 51.1 of the Planning Act.

Leeann Coveyduck.

FINANCIAL/STAFFING/LEGALIMPLICATIONS:

There are no financing costs associated with this report.

Cont'd...

06 April 1999

"ANNABELLE PLACE", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

Cont'd...

BACKGROUND:

The Owners of "Annabelle Place", (Dorothy and James Zaborsky) now wish to finalize their plan of subdivision and will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be $ 10,000.00.

The lands of "Annabelle Place" are located west of West Fifth Street and north of Stone Church Road West in the Gourley Neighbourhood.

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

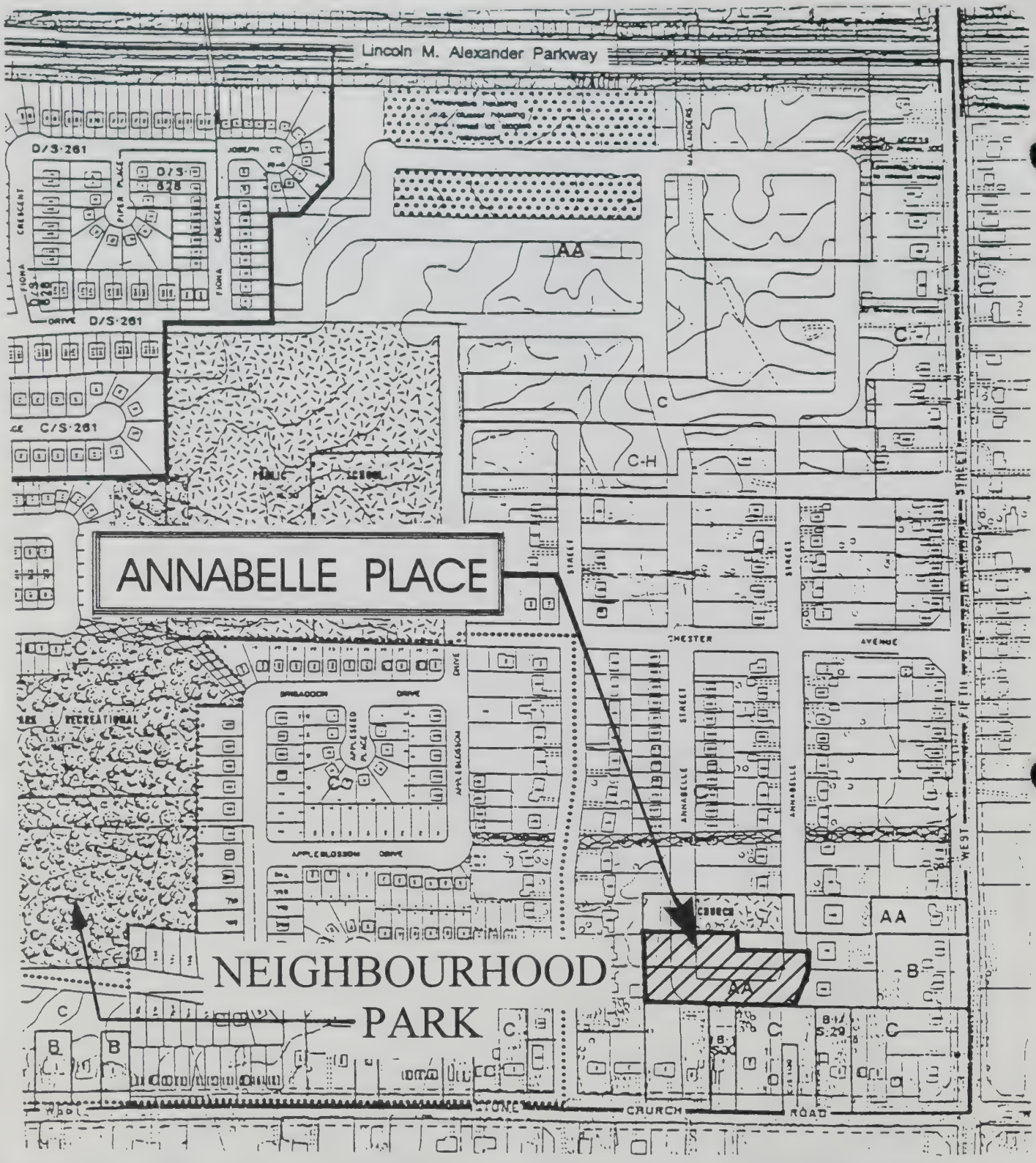
MPS

cc: City Treasury Department
Att: D. Cobb

cc: City Property Department
Att: K. Nutley

The Regional Municipality Of
Hamilton-Wentworth
Location Map:
S701-62





LEGEND

Subject Lands

KEY PLAN
"ANNABELLE PLACE"

NORTH

NOT TO SCALE

NEIGHBOURHOOD
GOURLEY - Approved Plan

DATE
March 23, 1999

FILENo.
S701-62

Regional Municipality of Hamilton-Wentworth
Community Planning & Development Division

B (ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 March 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
1155 WEST 5TH STREET - Tag Number 99-102617
(99.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1155 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

Lee Ann Coveyduck.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA (Map W-9D)

PRESENT USE: Single Family Dwelling

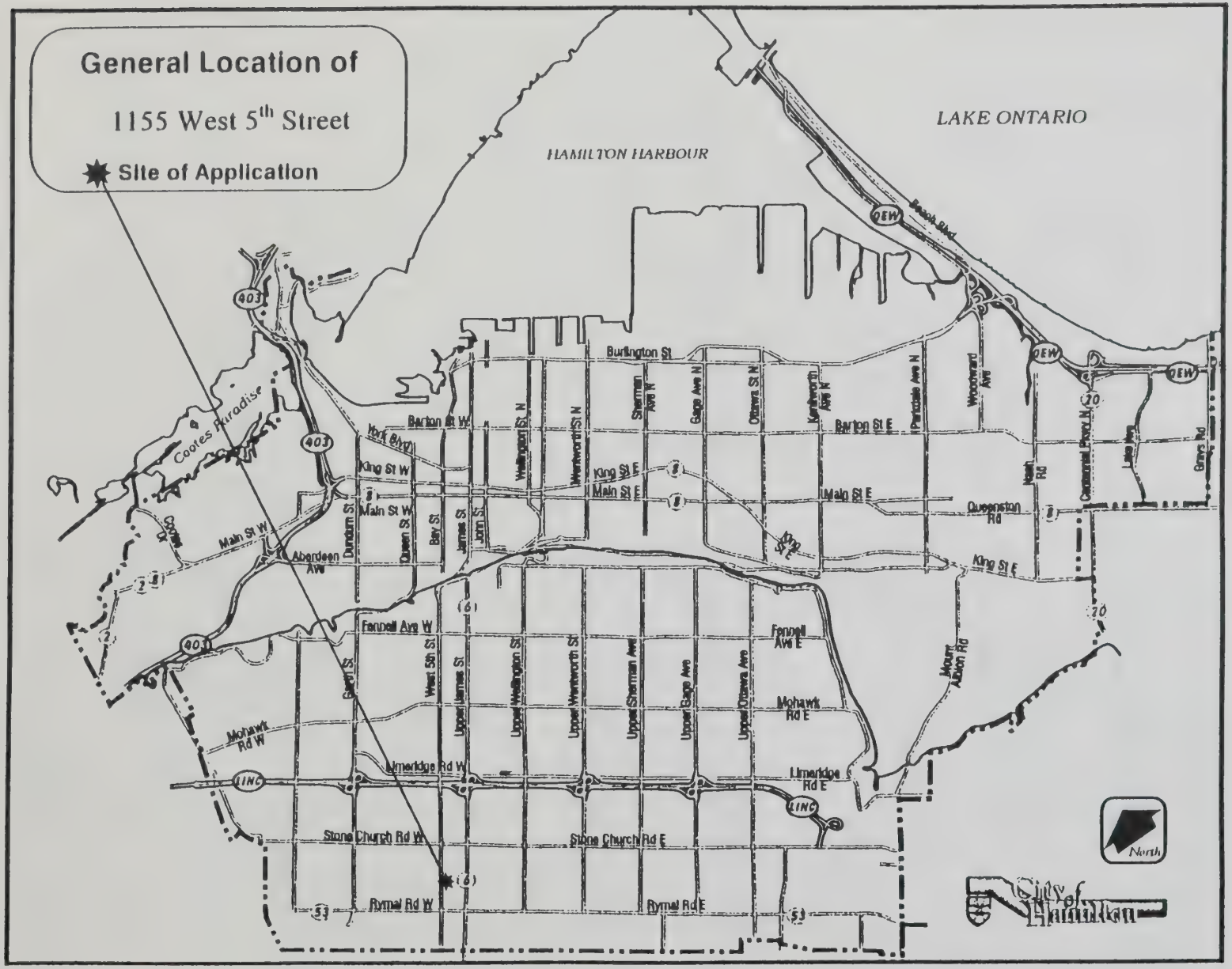
PROPOSED USE: Vacant

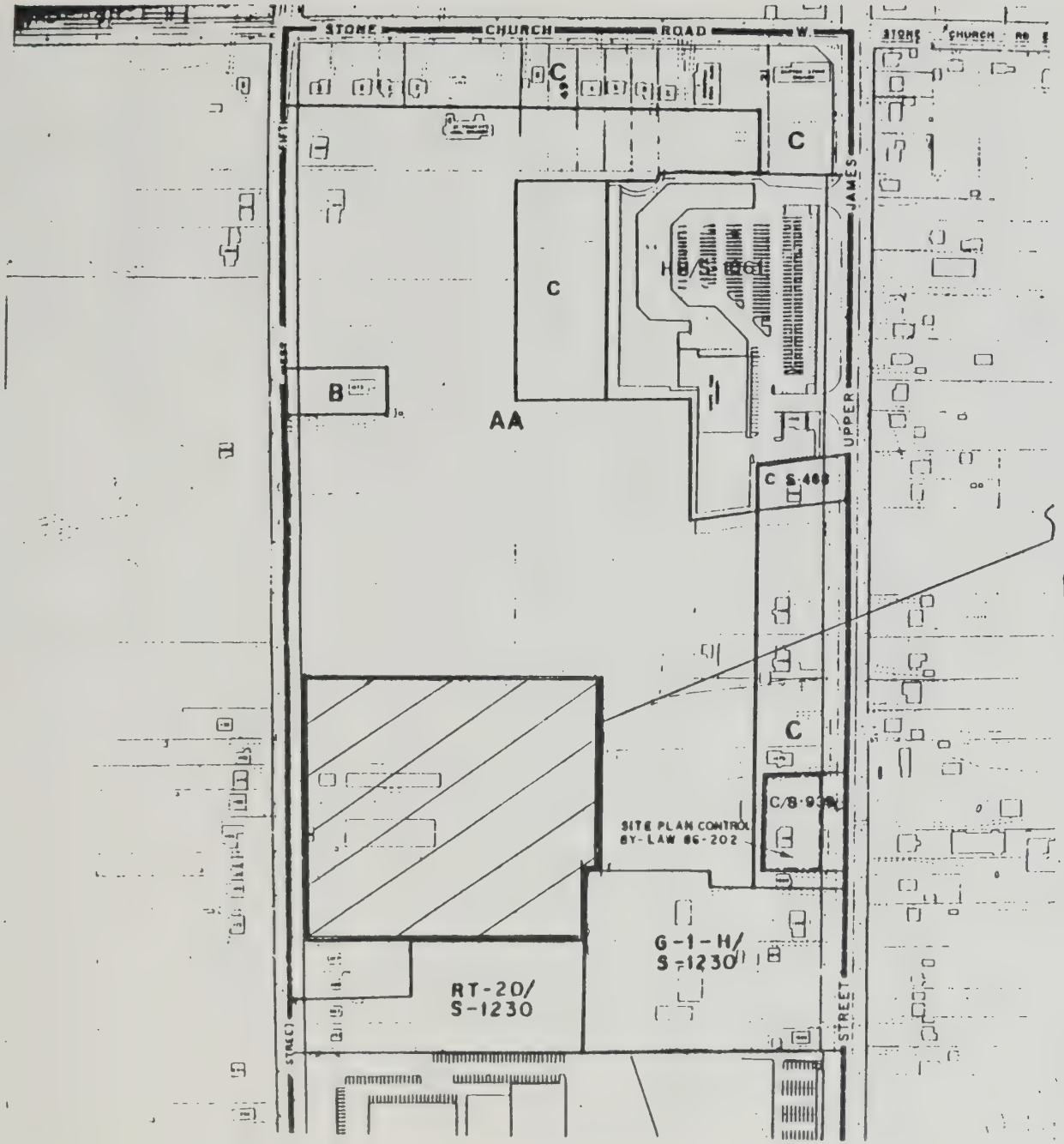
BRIEF DESCRIPTION: The owner proposed to demolish the existing two storey brick veneer single family dwelling and leave the lands vacant at this time. A demolition permit has been issued by this Department to demolish two (2) accessory buildings located on the lot on 1999 March 9. This property is located in Ward 8 and is in the "Mewburn" neighbourhood (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 35,572.25m^2.

The owner of the property and applicant as per the demolition permit is:

Helen Brown
167 Manning Avenue
Hamilton On L9A 3G1

FP/zr


General Location of
1155 West 5th Street
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Cootes Paradise
QEW
403
Burlington St
Barton St W
Barton St E
King St W
King St E
Main St W
Main St E
Queenston Rd
Aberdeen Ave
Fennell Ave W
Fennell Ave E
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
LINC
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
West 5th St
Garth St
Mount Albion Rd
North
City of Hamilton



SUBJECT PROPERTY
1155 WEST 5TH STREET

CITY OF HAMILTON

B (iii)

- RECOMMENDATION -

DATE: 1999 April 15
(PLC-99-01)
Jerome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Application to Remove Part-Lot Control - Lots 2 – 18, inclusive and Lots 21 – 25, inclusive, Registered Plan 62M-877, "Wellington Meadows, Phase 1"

RECOMMENDATION:

A. That approval be given to **Part Lot Control Application 99-01, Scarlett Homes Ltd., owner**, to remove part-lot control for Lots 2 – 18, inclusive and Lots 21 – 25, inclusive, located in "Wellington Meadows, Phase 1", Registered Plan 62M-877, known municipally as 1 – 53 Pineridge Drive, inclusive (excluding 21 and 33 Pineridge Drive) and , for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "A";

B. That the attached by-law, marked as Appendix "B", to remove part lot control from Lots 2 – 18, inclusive and Lots 21 – 25, inclusive, located in "Wellington Estates, Phase 1", Registered Plan 62M-877, be enacted by Council;

C. That the exempting by-law be restricted to a 1 year effective time period to expire on May 1, 2000;

D. That following the enactment of this by-law, the Director, Development Approvals, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council may pass a by-law for exemption from part-lot control for the purposes of creating maintenance easements for zero-lot line single family dwellings within a registered plan of subdivision.

BACKGROUND:

Proposal

The applicant, Scarlett Homes Ltd., is proposing to create maintenance easements for Lots 2 – 18, inclusive and Lots 21 – 25, inclusive, located in "Wellington Meadows, Phase 1", Registered Plan 62M-877. The maintenance easements are required for the zero-lot line single family dwellings in accordance with the provisions of the "R-4" District and the City of Hamilton subdivision agreement.

Location

The subject lands are located north of Stone Church Road East, west of Upper Wellington Street, in the Jerome Neighbourhood and are known municipally as 2 – 53 Pineridge Drive (excluding 21 and 33 Pineridge Drive) (see Appendix "A").

CIRCULATION COMMENTS:

- The Building Division, Community Planning and Development Department and the Traffic Division, Department of Public Works and Traffic advised that they have no comment with respect to the application.

- The Regional Environment Division advised of the following:

  "As a condition on entering into a Subdivision Agreement with the City of Hamilton for the development of "Wellington Meadows, Phase 1" the Owner is required to establish maintenance easements for the subject lands."

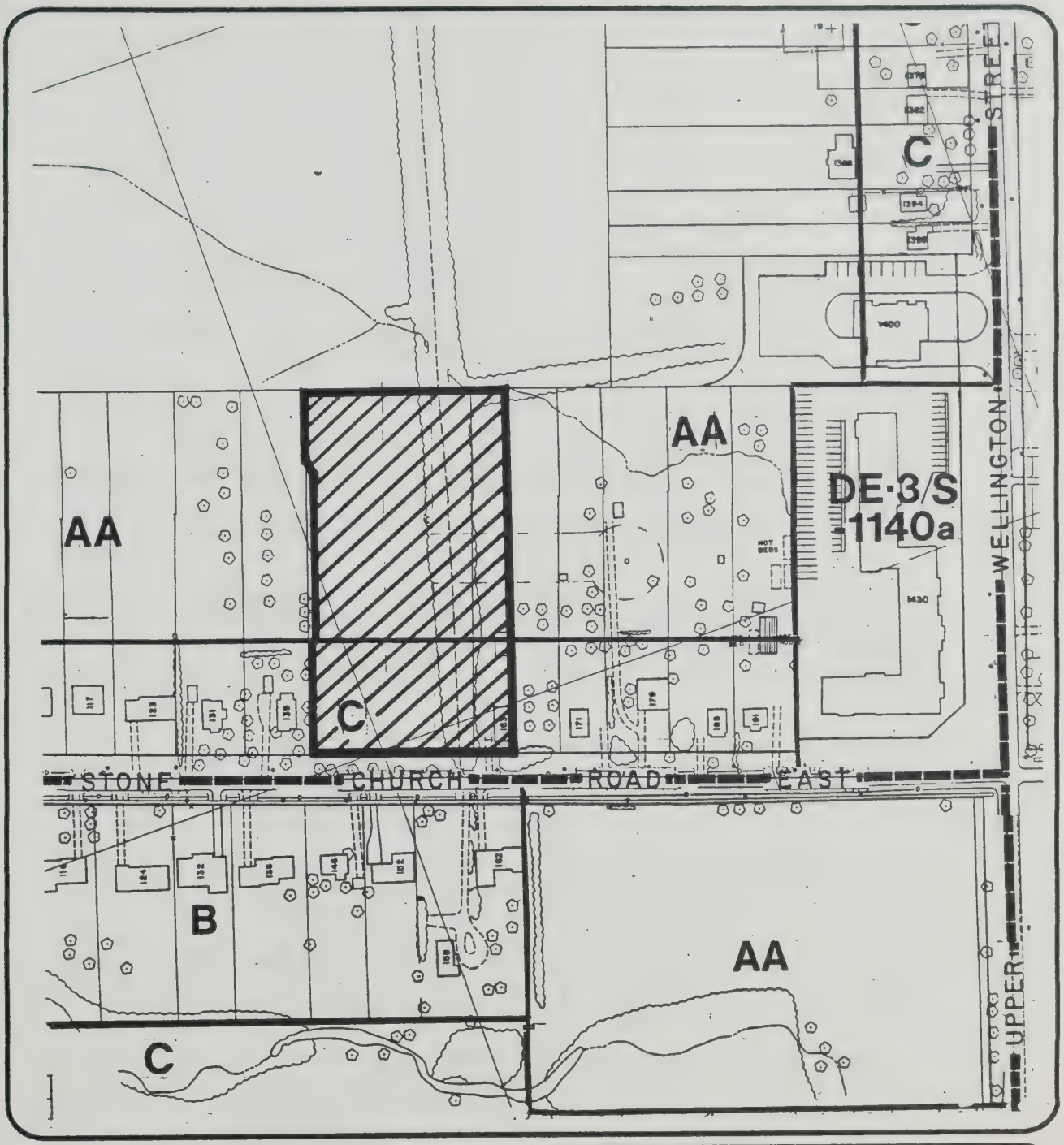
COMMENTS:

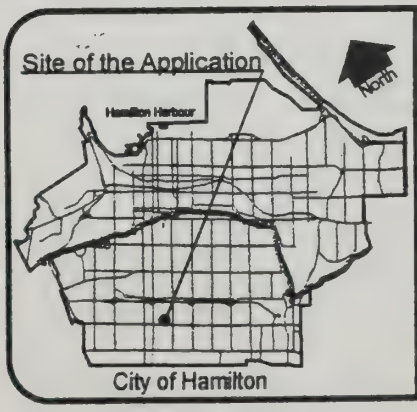
1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period to expire on May 1, 2000.

2. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the Corporate Counsel.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Subject Lands

Reference file:
PLC-99-01

Scale
Not to Scale

Date
April,1999

Technician:
B. B.

APPENDIX 'A'

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 99 —

To Remove
Land within the "Wellington Meadows, Phase 1" Subdivision, Plan 62M-877
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating maintenance easements shall not apply to the following lands:

   Lots 2 – 18, inclusive and Lots 21 – 25, inclusive, Registered Plan Number 62M-877, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on May 1, 2000.

PASSED this day of A.D. 1999.

Municipal Clerk Mayor

Scarlett Homes Ltd., owner
(1999) R.P.D.C. ., April 21
PLC-99-01

C.

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 April 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Michael J. Schuster
General Manager, Social and Public Health Services Division

SUBJECT: Core Heritage 2000 Program
34-36 Hess Street South, Hamilton

RECOMMENDATION:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of $12,242 to Intrilectual Investments Inc., registered owners of 34-36 Hess Street South, be approved.

M.J. Schuster

Michael J. Schuster, General Manager

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant of $12,242 is funded from the Core Heritage 2000 Program, the current balance of which is $400,000.

BACKGROUND:

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.

Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of $20,000; those with a frontage exceeding 40 feet are eligible to receive an additional $500 per linear foot to a maximum of $75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional $5,000 matching grant.

.../2

The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes new dormers and windows; brick and stone masonry repairs; woodwork repairs and repainting.

On the basis of the foregoing, staff recommends that a grant be given under the Core Heritage 2000 Program in the amount of $12,242.

MJS/MM/dk

Cc R. Camani, Treasury Department
D. Powers, Law Department
N. Chapple, Planning Department
M.V. Mascarenhas, Housing and Shelter Branch

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 14, 1999

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Site Plan for Approval

(b) Deputy Minister, Ministry of Municipal Affairs and Housing re: Regulation of Building Materials and Design

(b) Minutes of the Local Architectural Conservation Advisory Committee dated March 8 and 26, 1999.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

CA4 ON HBL A05
C51P4
1999

URBAN MUNICIPAL

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL
MAY 1 1999
GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, May 5, 1999
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Official Plan Amendment and Zoning Application 99-04, by Ivo Civitarese, owner, for a further modification to the "E-1" District for lands located at 180 Walnut Street South.

   Submissions:
   (a) Shirley Walker, 177 Walnut Street South
   (b) Joel Jordan, Jordan & Geisel Management, 125 Forest Avenue
   (c) Georgina Herod, 150 Young Street
   (d) Susan Shannon, 163 Walnut Street South

2. CONSENT AGENDA

3. OTHER BUSINESS

4. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
3	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
4.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
5.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
6.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
7.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
8.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
9.	Radial Separation for residential and short term Facilities	1998 December 2	Staff to prepare report	Report Pending
10.	Detention centre as use in H district	1998 December 2	Staff to prepare report	Report pending
11.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
12.	Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.	February 17, 1999	Tabled pending staff report	Report Forthcoming

April 29, 1999

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 April 15
ZAC-99-04
Corktown Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for an amendment to the Official Plan and a further modification in zoning – No. 180 Walnut Street South

RECOMMENDATION:

1. That Zoning Application ZAC-99-04, Ivo Civitarese, owner, requesting an amendment to the Official Plan to establish a new Special Policy Area and a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a restaurant for a maximum of 45 persons within the existing building, for property located at 180 Walnut Street South, as shown on the attached map marked as APPENIDX "A", be DENIED for the following reason:

   a) The proposal would be incompatible with surrounding residential uses given the potential for spillover effects (e.g. noise, parking, litter, etc.); and,

   b) It conflicts with the approved Corktown Neighbourhoood Plan which designates the subject lands "Singles/Semis/Row - Conservation Retaining Existing Buildings".

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider applications to amend the Official Plan and Zoning By-law.

BACKGROUND:

Proposal

The applicant is requesting an amendment to the Official Plan and a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a restaurant for a maximum of 45 persons within the existing building.

Zoning Application ZAC-94-03 and By-law No. 94-178

In June, 1994, Planning and Development Committee considered a similar proposal by the applicant for a restaurant within the existing building. Staff recommended denial of the application on the basis of incompatibility with the surrounding residential uses.

Planning and Development Committee, on June 22, 1994, recommended to Council approval of an Official Plan Amendment and a further modification to the by-law to permit a restaurant on a temporary two (2) year basis. City Council, on October 25, 1994 passed By-law No. 94-178. On December 14, 1994, the matter was appealed to the Ontario Municipal Board. The appeal was based on the following concerns:

- The proposed restaurant was inappropriate for a residential area;
- Parking was problematic and the proposed restaurant would aggravate an already serious problem;
- Increase in traffic;
- Proximity of a licensed establishment to Queen Victoria Public School; and,
- Garbage.

The Ontario Municipal Board, in its decision dated on August 14, 1996, essentially dismissed the appeal. However, the Board directed that By-law No. 94-178 be amended to limit the seating capacity of the restaurant to a maximum of 45 persons only within the existing building (see attached APPENDIX "B"). The by-law was in effect for two years from the date of the Board's order and subsequently expired on September 25, 1998. The restaurant was not established within this time period and consequently the applicant has made the subject application.

Zoning By-law No. 76-312

City Council, on November 30, 1976, passed By-law No. 76-312 which rezoned the subject lands from "E-3" (High Density Multiple Dwellings) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to allow the conversion of the existing building for commercial office use only.

APPLICANT:

Ivo Civitarese, owner.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 10.06 m (33 feet) on Walnut Street South;
- A frontage of 18.66 m (61.22 feet) on Forest Avenue; and,
- A lot area of approximately 188 m^2 (2,023.68 feet ^{2}).

LAND USE AND ZONING:

	Existing Land Uses	Existing Zoning
Subject Lands	Vacant building	"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District modified
Surrounding Lands		
To the north	Single-Family Dwellings	"E-3" (High Density Multiple Dwellings) District
To the east	Row Housing	"D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District
To the south	Single-Family Dwellings, Office, Queen Victoria Public School	"E-3" (High Density Multiple Dwellings) District and "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
To the west	Single-Family Dwellings	"E-3" (High Density Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others apply:

"A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.39 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands.

C.6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological or aesthetic value.

C.6.7 Encouragement may be given to Commercial development schemes, in appropriate locations, proposed to incorporate a building, or group of

buildings, with HISTORIC character or ARCHITECTURAL value, and to proposals which utilize buildings or lands serving obsolete functions and which are, therefore, underutilized or vacant."

The proposal conflicts with the intent of the Official Plan since a restaurant is not considered a "local commercial" use. Approval of the application will require an amendment to the Official Plan to create a new Special Policy Area to provide for the proposed use.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Singles/Semis/Row Conservation Retaining Existing Buildings" in the recently approved (October 28, 1997) Corktown Neighbourhood Plan. Approval of the application will necessitate a redesignation to "Commercial".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advises they have no objection to the proposal.

- The Community Planning & Development Division (Building) has advised the following:

  "1. A restaurant is not permitted in an E-1 District.

  2 A restaurant with a seating capacity of forty-five (45) persons, requires four (4) parking spaces.

  3. No actual parking layout has been provided, however:

  a) The northerly side yard area is insufficient in width to provide a parking space (2.7 m x 6.0 m) with maneuvering space (6.0 m) and an access driveway having a width of 2.8 m. No part of the parking or maneuvering shall be located in the minimum required 3.0 m front yard.

  b) The westerly rear yard area is insufficient in depth to provide the 6.0 m parking space length and the 6.0 m maneuvering space on the lot.

  4. The front stone porch is located on the road allowance of Walnut Street South and may require an encroachment agreement."

- The Regional Environment Department has advised that:

  "REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

  Since the existing building on the subject lands is identified as historically significant, policies under Section B-9 "Historical Resources" of the HWOP (attached) are

applicable, which encourages the protection and preservation of historical resources. As such, the City should ensure that the historical features and character of this building is protected, in the redevelopment of this building to a commercial use.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS provided the following policy is adhered to:

2 Resources

2.5 Cultural Heritage and Archaeological Resources

2.5.1 Significant built heritage resources and cultural heritage landscapes will be conserved."

- The Department of Public Works and Traffic has advised the following:

"The proposed zoning and corresponding amendment to the Official Plan for 180 Walnut Street is satisfactory. The applicant has indicated that there is physically space on the site for two boulevard parking spaces on Forest Avenue. If the applicant wishes to pursue leasing boulevard parking spaces, he should contact Mr. Christ van Berkel at 546-2068."

- The Development Engineering Section advises:

"1. There are public watermains and separate storm and sanitary sewers available to service the subject lands.

2. According to our records, the existing road allowance widths of Walnut Street South and Forest Avenue, adjacent to the subject lands, is 20.12 m. Therefore we do not anticipate any further road allowance widenings at this time.

3. According to our records there is an existing landscape agreement between the owner and the City of Hamilton registered as Instrument No. 186104CD on May 14, 1981. According to the survey plan submitted by the applicant, the existing building encroaches into the Forest Avenue road allowance and the stone porch encroaches into the Walnut Street South road allowance. It appears that these encroachments were not included in the previous landscape agreement. We therefore recommend that as a condition of development approval that the applicant/owner enter into an Encroachment Agreement with the City of Hamilton for these structural encroachments into the road allowances. Alternatively, the applicant may wish to amend the existing agreements to include these structural encroachments. The applicant should either call Mr. Vince Zingaro at 546-2808 or Mr. Jim Clairmont of this Office at 546-4279 to determine the best way to deal with this matter.

It should also be determined by the applicant/owner whether or not the building encroachment of adjacent lands at No. 178 Walnut Street South into the road allowance should also be included in encroachment agreement.

4. It is unclear whether or not access will be provided to this property from Forest Avenue or Walnut Street South. Should access be provided from Forest Avenue, we recommend if possible that the closed board fence be setback a minimum of 3 m from the road allowance limits to improve motorist visibility entering Forest Avenue. The steel gates are not permitted to swing out onto the Forest Avenue road allowance.

5. Any other works which may occur within the Forest Avenue and Walnut Street South road allowances must conform to the City of Hamilton Streets By-law."

- The Heritage Planning Staff for LACAC advises:

"180 Walnut Street South is listed on the **Inventory of Buildings of Architectural and/or Historical Interest.**

Adaptive re-use of the building is encouraged, provided that the heritage character of the exterior is retained.

For your information, the McLaren Mission building, affiliated with the Church of the Ascension at Forest and John Streets, was originally constructed on another site. The first entry found in the assessment rolls is 1880, at Wellington and Maria (now Forest) Streets.

The site was appropriated in 1897 by the Canadian Pacific Railway for freight sheds and the Mission was taken apart and re-erected, stone by stone, at its present location."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Approval of the application will necessitate an amendment to establish a new Special Policy Area to provide for the proposed use.

2. The proposal conflicts with the recently approved Corktown Neighbourhood Plan. Approval of the application will necessitate an amendment to redesignate the subject lands to "Commercial ".

3. The applicant's agent submitted a "Planning Justification Report" in support of the proposal (see attached APPENDIX "C") which states that the proposal is "a practical and feasible re-adaptive use of an existing historic building. The proposed restaurant use, because of its size, location and because of the limited availability of parking, will function as primarily a local use serving the day to day

needs of the surrounding neighbourhood...it will have minimal impact on the neighbourhood and will not add appreciably to any parking problems in the area." The report further states that the previous Temporary Use By-law is not appropriate for the property for effective cost recovery and represented a high level of risk.

4. The following is a summary of the positive and negative aspects of the proposal:

- Positive

  It would provide for an adaptive re-use of a listed building of Architectural and/or Historical Interest which is consistent with both the Hamilton-Wentworth and City of Hamilton Official Plans.

- Negative

  Compatibility
  Although the Department supports the opportunity to preserve the existing heritage building, it is felt the proposed restaurant is inappropriate. Under the Zoning by-law there is no classification system for restaurants. Therefore, the potential exists for the establishment of a high traffic generator (e.g. sports bar, tavern, etc.).

  The proposed restaurant use would be incompatible with existing residential development in the surrounding area. The potential spill-over effects (e.g. noise, parking, litter, etc.) may negatively impact on surrounding residential uses.

  The Ontario Municipal Board noted in its decision "that the proposed use is an excellent adaptive reuse of the building itself and deserves an opportunity to prove that it would not be disruptive of the residential neighbourhood in which it will be located." In dismissing the appeal, the Board acknowledged there was potential for disruption to the neighbourhood, and upheld the City's by-law to approve the use on a temporary two year basis to "prove" itself.

  Parking
  The subject lands are in an area where parking requirements are reduced by 50% given their proximity to the downtown. There is no provision for the required parking (i.e. 4 spaces) on-site. If the application were approved, the implementing zoning by-law would require a variance to recognize that no parking will be provided on site. While the Public Works and Traffic Department notes that the applicant indicates that there is physically space on-site for two boulevard parking spaces, there would still be a short fall of two spaces. Patrons would be forced to park in the residential area, which is undesirable.

  Further, a traffic survey was undertaken in Corktown during November 1998 as part of the implementation of the Corktown Neighbourhood Plan.

Preliminary results indicate the vicinity of Forest and Walnut Street experiences a shortage of on-street parking.

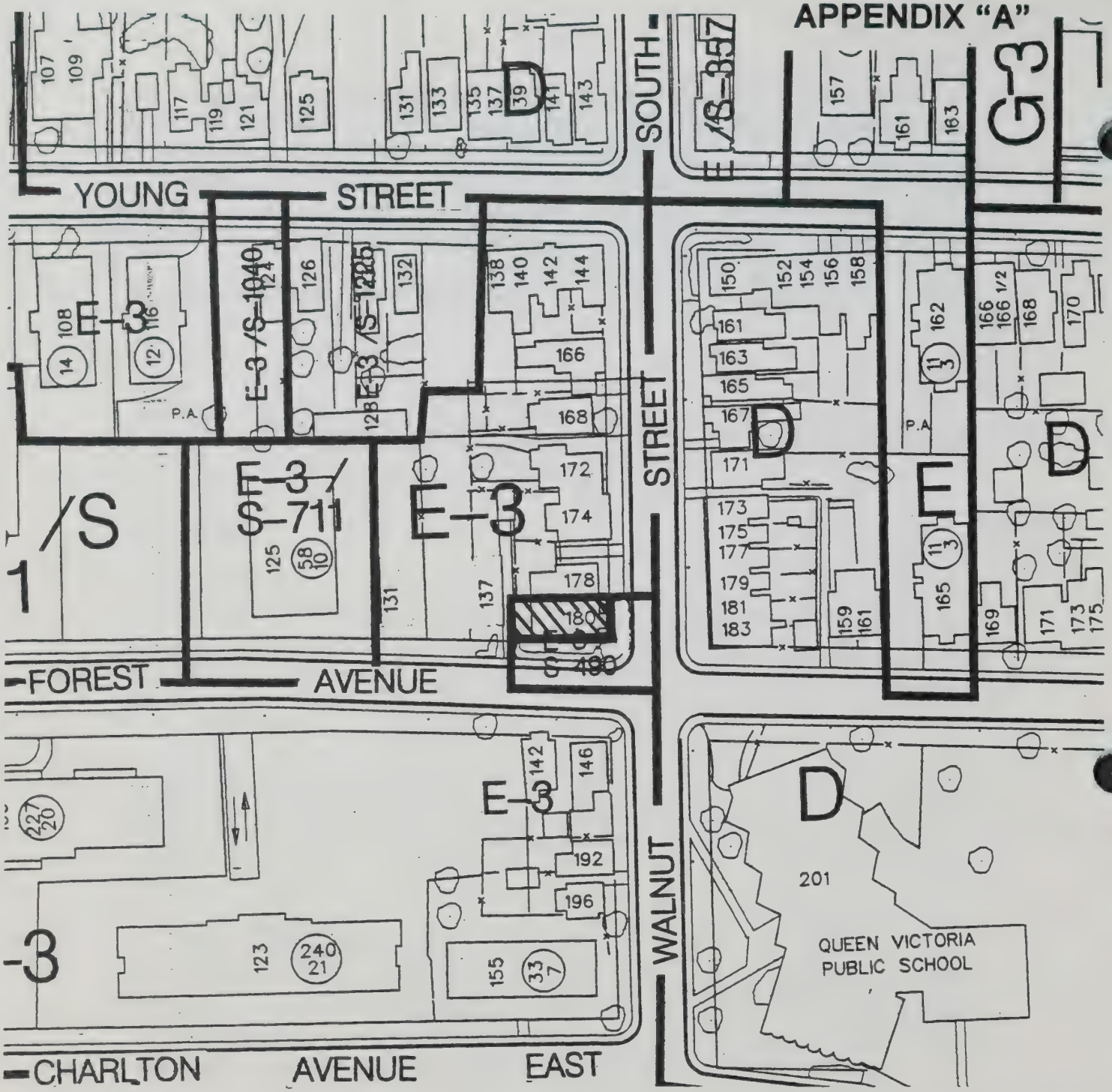
5. Consideration could be given to an amended application to permit limited commercial conversion, in addition to the permitted office use, to more compatible uses such as those contemplated by the McNab-Charles Heritage District Plan (e.g. art galleries, bookstores).

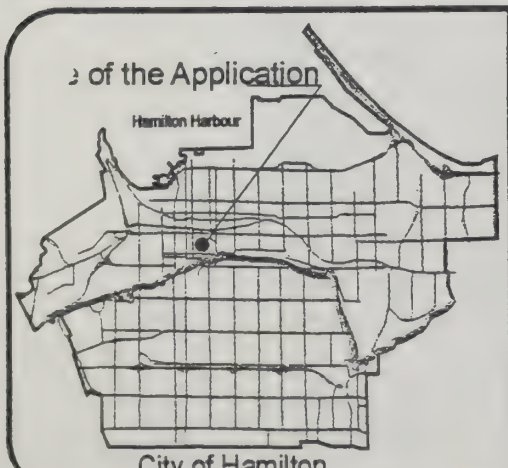
CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

CLF/mm
ZAC-99-04

APPENDIX "A"





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Subject Lands

Reference file: **ZAC-99-04**

Scale **Not to Scal**

Date **February, 199**

Technician **B. B.**

North

APPENDIX "B"

Bill No. C-55

The Corporation of the City of Hamilton

BY-LAW NO. 94-178

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 76-312

Respecting:

LAND LOCATED AT MUNICIPAL NO. 180 WALNUT STREET SOUTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 76-312 on the 30th day of November 1976 to change the zoning and establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "C" District, in respect to the above-mentioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 14th day of December 1977;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS the Ontario Municipal Board by its Decision and Order (File No. O950106; R950001), dated the 14th day of August 1996, as amended by the Board's Final Order dated the day of , 1996, directed that By-law No. 94-178 be amended as hereinafter provided;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 76-312, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are further amended in accordance with Section 39 of the Planning Act, R.S.O. 1990, to the extent only of the special requirements that,

(a) a restaurant with a maximum seating capacity of 45 persons shall be permitted only within the existing building, for a two year period, from the date of the Ontario Municipal Board's Final Order; and

(b) notwithstanding Section 18A of By-law No. 6593, no parking shall be required for the temporary restaurant use.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-1" District provisions, subject to the special requirements referred to in section 2 of By-law No. 76-312 and section 1 of this by-law.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-490a.

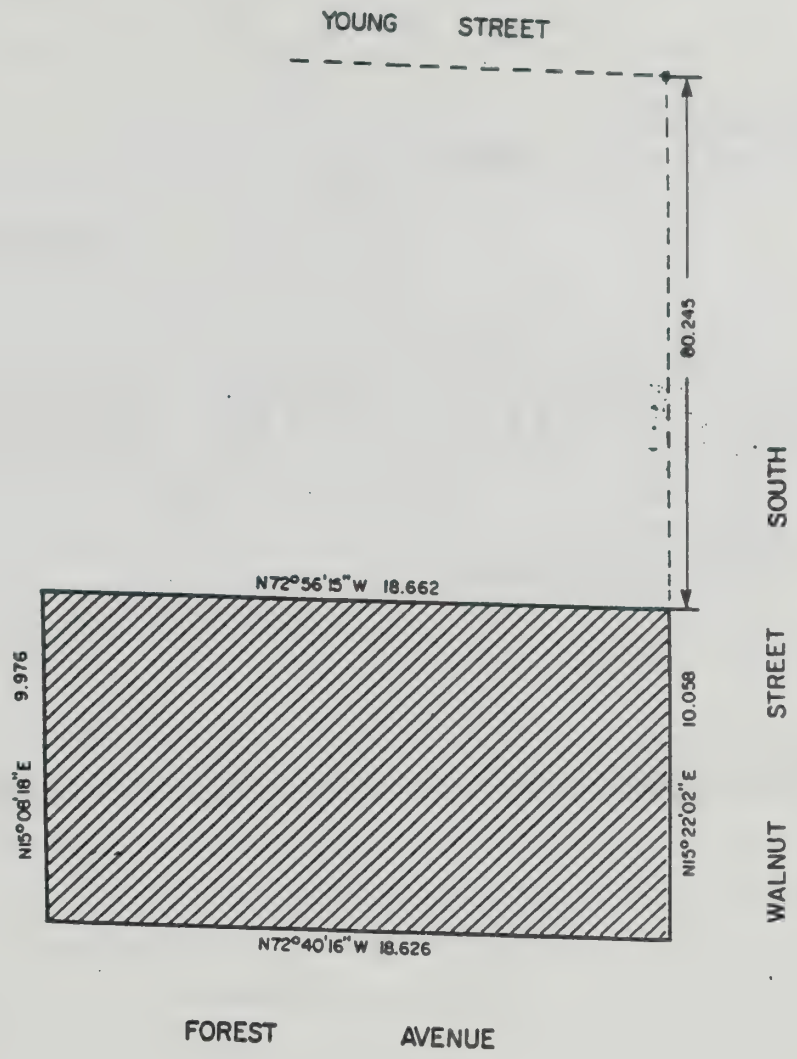
4. Sheet No. E-5 of the District Maps is amended by marking the lands referred to in section 1 of By-law No. 76-312 and section 1 of this by-law, S-490a.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this 25th day of October A.D. 1994

CITY CLERK MAYOR

(1994) 10 R.P.D.C. 4B, June 28
Ivo Civitarese, et al, Owner
ZAC-94-03



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 94-178...
Passed the ..25th.. day of ..October..... , 1994.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 94-..178..
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Lands to be regulated by
By-Law No. 94-178...

North	Scale	Reference File No.
	Not to Scale	ZAC-94-03
	Date	Drawn By
	JUNE 1994	E. C.

Planning Justification Report

Rezoning Application
180 Walnut Street South
City of Hamilton

Prepared for: Ivo Civitarese

by
FOTHERGILL PLANNING AND DEVELOPMENT INC.

January 18, 1999

INTRODUCTION

"At the corner of Walnut Street and Forest Avenue, in the Corktown Neighbourhood of Hamilton, sits a lovely, small, historical building often referred to as the Mission House. It is a one-storey stone building built about 1880 on lands that, not long after, were approved for railway uses. The building was then moved, stone by stone, to its present site, and re-erected in 1897. The building is in good condition, has charm, and is historically significant. Everyone agrees that it should be preserved, if at all possible."

This is the introductory paragraph from an Ontario Municipal Board decision dated August 14, 1996, at which time the Ontario Municipal Board approved the establishment of a restaurant use on the subject property on a temporary 2-year basis. That 2-year time period has come and gone and the owner has not been able to move forward with the restaurant use on the property. The owner wishes to establish a permanent restaurant use on the property within the existing building.

In considering this application, there are two primary issues to be considered. The first is the preservation of a historic building. The second issue deals with potential impacts from the proposed restaurant use on the surrounding residential community.

PRESERVATION

This proposal, if approved, will promote the preservation of a currently under-utilized structure and will support policies in the Official Plan and the objectives of LACAC by introducing an adaptive re-use of the existing building. It is the intent of the owner to preserve the exterior of the structure while introducing a logical and cost-effective use to the building.

CITY OF HAMILTON OFFICIAL PLAN

The Official Plan for the City of Hamilton deals with the issues of both preservation and impact. It is noted in Section C.6 of the Official Plan that,

> *"It is intended that the resources of HISTORIC and ARCHITECTURAL merit will be preserved, where feasible, and to enhance the character and heritage of Hamilton."*

Policy C.6.6 states,

> *"Encouragement may be given to commercial development schemes, in appropriate locations, proposed to incorporate a building, or group of buildings, with HISTORIC character or ARCHITECTURAL value, and to proposals which utilize buildings or lands serving obsolete functions and which are, therefore, under-utilized or vacant."*

The importance of historic or architecturally significant buildings is a key component in the City of Hamilton Official Plan. This building is listed on the Inventory of Buildings of Architectural and/or Historical Interest. With respect to this building, LACAC noted in their comments on the previous application that

"the adaptive re-use of the building is encouraged, provided that the heritage character of the exterior is retained."

It is the intent of the owner to preserve the character of this building and to establish an economically viable use within the existing structure. This intent is consistent with the municipally stated objective of heritage preservation.

IMPACTS

The above Official Plan policies call for the preservation of heritage buildings, however they do have a number of qualifiers noting that preservation should take place *"where feasible"* and *"in appropriate locations"*. The second issue, therefore, to be examined, is whether or not the preservation of this building and its re-adaptive use as a restaurant is feasible and in the appropriate location. This brings into question the issue of impact.

Official Plan policies deal with impact in two ways. First, with respect to location, commercial uses like restaurants are generally grouped together in commercial districts and are separated from residential uses. However, an exception is made as outlined in Section A.2.1.3 which allows limited commercial development on sites not exceeding 0.4 hectares which serve the day to day needs of people within the residential district.

Beyond this provision which restricts commercial uses within residential areas, there are a number of more detailed policies in Section A.2.2 which regulate commercial uses, particularly local commercial uses in residential areas. Policy 2.2.25 notes:

> *"The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments, in local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."*

Policy 2.2.26:

> *"The maximum size of any retail establishment will not exceed 230 sq.m. and the maximum size of any LOCAL COMMERCIAL development will not exceed 0.4 hectares in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services."*

The plan also notes that an official plan amendment is not required to allow local commercial uses within a residential district.

Secondly, beyond these locational requirements, there are general site development provisions which deal with circumstances where local commercial uses are proposed to be developed adjacent to residential land uses dealing with access, parking, service areas, and lighting. These are matters which can be controlled through the zoning and/or site plan process.

These provisions also anticipate and allow for situations where parking and/or loading spaces are less than that required by the by-law. Policy 2.2.33 states:

> *"Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.":*

The issue of impact of the proposed use were fully canvassed at the previous Ontario Municipal Board hearing at which time the Board was satisfied that the proposed use would not generate any adverse impacts on the neighbourhood.

In my opinion, the restaurant use will function as a local commercial use which will serve the day to day needs of the immediate residences. The previous planning report dated June 4, 1994 (ZAC-94-03) noted that the Zoning By-law does not include a classification system for restaurants. Zoning By-law as well as Official Plan documents encourage restaurants to locate on arterial roadways and expect restaurants to attract customers from an area beyond the immediate neighbourhood in which they are located.

While it is agreed that generally restaurants function in that fashion, that does not preclude the consideration of practical alternatives. In this case, the limited size of the building will restrict the amount of seating within the structure. Further, an occupancy limit can be established in the by-law. The occupancy limit considered by the Board at the previous hearing of 45 seats remains acceptable to the owner.

Secondly, the location of the restaurant on two local streets, together with limited parking on the site, precludes it functioning as a major attractor of patrons beyond the immediate neighbourhood. These factors, combined with its size, severely restrict the ability of the restaurant to compete with other larger facilities which are located on arterial roads within a broad geographic market area. Its primary focus and customer base will be derived from the immediate neighbourhood. This understanding of the function of the restaurant was promoted by the planning consultant retained by the City at the Ontario Municipal Board Hearing in 1996 and was accepted by the Board.

For this reason, it is my opinion that an official plan amendment is not required to implement this use. The Official Plan clearly allows limited commercial activities within residential areas. The maximum lot size for these uses is 0.4 hectares. In this case, the site area is 0.0188 hectares, which is less than 5% of the maximum allowable commercial retail site within a residential designation.

In the staff report of June 8, 1994, it was suggested that alternative uses could be considered for this property, including an art gallery or bookstore. At the hearing, a small craft shop was suggested for the site. However, given the limited parking, the small size of the building, and its internal location, it is unlikely that these kinds of retail uses which depend upon a market greater than the surrounding walk-by residential community, would be appropriate for this site. These uses generally serve a wider market area, require greater exposure, and would likely generate a greater demand for parking given they would attract customers from a wider geographic base.

One of the impacts identified at the Board hearing were issues related to noise, lighting, neon signs, etc. I concur with the Board position that the size of the restaurant will limit these kinds of impacts on the neighbourhood. In addition, if deemed desirable, a number of these matters could be addressed through site specific provisions of the Zoning By-law and/or through site plan approval, i.e., limitation of signage, limitation on live entertainment, etc. It is noted that the construction of the building with solid stone block walls and the absence of external windows will also have a positive effect on sound attenuation.

The major concern with respect to this proposal at the Board hearing was the potential parking problem. I have reviewed the proposed use and the by-law requirements and concur with the findings of the Board that technically, to serve a restaurant with 45 seats at this location within the City, a total of 4 parking spaces are required. If the use were to be located one block to the west, there would be no requirement for parking.

Notwithstanding that on site spaces do not conform to standard by-law requirements, there is physically space on the site available for 2 vehicles. This will require a boulevard parking agreement with the City, however that option is available. The proposal, therefore, is deficient by 2 spaces.

The Board decision on page 5 notes an analysis undertaken by the planning consultant who represented the City at the hearing that during the times the restaurant could be expected to be most busy, there were between 8 and 16 street parking spaces available in the immediate area. The Board also noted that there was a public parking area within 2 blocks of the proposed use. Finally, on page 7 of the decision, the Board noted that due to fact that the size of the proposed use is limited, it is unlikely that the proposal will add appreciably to the parking problem.

Given the limited size and anticipated function of the restaurant use, combined with the availability of 2 parking spots on the site, and the availability of street parking, it is my opinion that this use will not add appreciably to any parking problem in the area.

SUMMARY

In summary, the owner is proposing a practical and feasible re-adaptive use of an existing historic building. The proposed restaurant use, because of its size, location and because of the limited availability of parking, will function as primarily a local use serving the day to day needs of the surrounding neighbourhood. For that reason, it will have minimal impact on the neighbourhood and will not add appreciably to any parking problems in the area.

The neighbourhood can be further protected, if deemed necessary, through site specific provisions which can be written into the Zoning By-law and/or through conditions attached to site plan approval as deemed necessary by the City.

In my opinion, an official plan amendment is not required to implement this proposal. Without an official plan amendment, the use must remain as one which serves only the day to day needs of the neighbourhood. Hence there is more opportunity to ensure the use is so limited.

If an amendment is made to establish a more generally defined commercial use, it invites a perception that the use on the site is one which serves the needs of a broader geographic community. Therefore, not only is an amendment not required, but to consider such an action would be contrary to the intent of the owner to maintain a small commercial use which will primarily serve the local needs of the immediate community.

The previous Temporary Use By-law is not appropriate for the property. The owner attempted to pursue this avenue but was unsuccessful in being able to convince financial partners and institutions to support the project for a 2 year period. It would not allow for proper cost recovery and represents an unacceptably high level of financial risk.

In my opinion, the proposed use is adequate and suitable for the property and will not generate any adverse impacts upon the immediate neighbourhood.

Respectfully Submitted,
FOTHERGILL PLANNING & DEVELOPMENT INC.

E.J. Fothergill, M.C.I.P., R.P.P.
President

1a)

April 22, 1999

APR 2 3 199

SUBJECT: 180 WALNUT STREET SOUTH, HAMILTON

I AM AGAINST THE ABOVE NAMED PROPERTY BEING USED AS A RESTAURANT.

My concerns are as follows:

- Increased traffic near our homes and school
- Current lack of enough parking for residents
- Increased delivery vehicle traffic with resulting excess noise and exhaust
- Increased noise from restaurant customers leaving late at night
- Possibility of alcohol related incidents (e.g. Excessive noise, poor driving)

I cannot attend the City meeting on May 5, because I am unable to take the time off work.

Please make my concerns know to council.

Yours truly,

Shirley R Walker

Shirley R. Walker
177 Walnut Street South
Hamilton, On L8N 2L8
525-3004

16)

JORDAN & GEISEL MANAGEMENT LTD.

Joel H. J JORDAN, B.COMM., M.B.A., C.M.A.
President

APR 2 6 1999

April 21, 1999

The Secretary
Planning & Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Re: 180 Walnut Street South

Dear Sir:

In September 1996 the Ontario Municipal Board confirmed the Restaurant Zoning for 180 Walnut Street South but only for a two year period so that the residents in the neighbourhood could assess the impact with respect to parking etc. Since the restaurant in question never opened, I think that if the City adopts a new restaurant by-law for this location it should also have a two year time limit. I wish to be notified if the proposed official plan amendment is adopted. Thank you.

Yours truly,
JORDAN & GEISEL MANAGEMENT LTD.

Joel H. Jordan

JORDAN & GEISEL MANAGEMENT LTD. 125 Forest Ave., Hamilton, Ontario, CANADA L8N 1X7
Tel. (905) 527-5445 Fax (905) 527-3633

APR 2 8 1999

7c)

My name is Georgina Herod
I live on the corner of Walnut st S.
and Young St. (150 Young St)
I am opposed to the bar/restaurant at
180 Walnut st S. I have misplaced
the card sent by the Planning Dept.
Please register my opposition to the
proposed changes.

Sincerely

Georgina Herod

Georgina Herod
150 Young St
Hamilton.

1d)

Planning and development committee
City of hamilton

Att'n: the secretary

With regard to the application to modify 180 WALNUT ST SOUTH, HAMILTON, I am opposed! I live at 163 walnut st s and fully understand the existing poor parking situation - there is no place for bar patrons to park should this house become a restaurant.
Also, I fully understand food and alcohol patrons' behavior as I live with this noise, garbage, profanity, vomit, urine, condoms, empty bottles and disgusting traffic increase through my neighbourhood of 15 years that results from the Corktown tavern.
Having said that, queen victoria public school is on the opposite corner to this proposed "restaurant". With the number of impaired drivers killings us all, we must not mix school children and restaurant/bar patrons!
Finally, we are presently surrounded by restaurants/bars (with their own parking) and are in little need of another!

Please notify me of the adoption of the proposed Official Plan Amendment from the Municipal clerk.

Thank you, in advance, for your consideration in this matter.

Sincerely:

Susan Shannon

Susan Shannon
163 walnut st. s
hamilton, ont
L8N 2L8
905-525-9298
c: planning committee
cc: municipal clerk

OFFICE OF THE MUNICIPAL CLERK

APR 2 8 1999

REC. BY ..... DATE .....
REF'D TO ..... DATE .....
REF'D TO ..... DATE .....
REF'D TO ..... DATE .....

2.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, May 5, 1999
9:30 o'clock a.m.
Room 233, City Hall

A. **ADOPTION OF THE MINUTES**

Minutes of the meeting held April 21, 1999

B. **GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

Downtown Convert/Renovate-to-Residential Loan Program 34-36 Hess St. South

C. **BUILDING COMMISSIONER**

(i) 1999 Annual Conference of the Association of Committees of Adjustment

(ii) 739 Upper Paradise Rd - demolition

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, April 21, 1999
Room 233, City Hall
9:30 o'clock a.m.

A.

The Planning and Development Committee met.

There were present:	Alderman F. D'Amico, Chairperson Alderman G. Copps, Vice-Chairperson Mayor R. Morrow Alderman F. Eisenberger Alderman M. Caplan Alderman R. Corsini Alderman D. Haining Alderman B. Kelly Alderman B. Charters
Regrets:	Alderman F. Eisenberger
Also present:	Alderman T. Anderson LeeAnn Coveyduck, General Manager, Community Planning and Development Division Victor Abraham, Director of Planning and Development Paul Mallard, Planning and Development Department Nina Chapple, Planning and Development Department Art Zuidema, Solicitor, Corporate Counsel Willy Wong, Building Department Ed Switinky, Public Works and Traffic Eugene Chajka, Community Planning and Development Division Robert Desnoyes, Corporate Services Division Terry Whitehead, Assistant to the Mayor Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

1. **Zoning Application 99-05, by 1272689 Ontario Ltd., Hussein Ghaddar, owner, for a change in zoning from "AA" District, Block "1", and from "AA" District to "R-4" – "H" District, Block "2", for property located at Rexford and Robertsfield Drive**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Paul Mallard advised that the application is to request the development of 8 lots as single family dwellings. An application has been made to land division for the creation of 9 lots. Of 170 notices sent, 5 replied in favour and 2 were opposed.

Sergio Manchia of Planning Initiatives was present on behalf of the applicant. He stated that this is a unique circumstance due to land assembly. He thanked staff for their assistance. He explained that the ninth lot will be developed in the near future.

As recommended in a report from the General Manager, Community Planning and Development Division, dated March 31, 1999, the Committee recommended to Council as follows:

That approval be given to Zoning Application 99-05, 1272689 Ontario Ltd., Alwilayad Islamic Association, owner (c/o Hussein Ghaddar), requesting changes in zoning from "AA' (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District for Block "1" and to "R-4" – 'H' (Small Lot Single-Family Residential, etc.- Holding) District for Block "2", for the property located at the northeast corner of Rexford and Robertsfield Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until:

(i) The owner acquires the parcel of land shown as Block 26 on Plan 62M-454 and merges it in title with Block "2"; and,

(ii) The owner pays all outstanding land, servicing, roadway costs to the City of Hamilton and the Region of Hamilton-Wentworth, prior to lifting the 0.3 m reserve adjacent to Robertsfield Drive and that the owner be responsible for preparing the required Reference Plan to lift the 0.30 m reserve.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled; and,

(b) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Residential, etc.) District; and,

(c) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" – 'H' (Small Lot Single-Family Residential, etc. – Holding) District; and,

(d) That the Director of Legal Services and Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C for presentation to City Council; and,

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(f) That upon finalization of the implementing Zoning By-law, the subject lands be redesignated from "Civic and Institutional" to "Single and Double Residential" on the approved Randall Neighbourhood Plan.

2. **Zoning Application 99-02, by 774728 Ontario Ltd., (Gerald Luska) and Henesh Holdings Ltd., owner, for a further modification to the "HH" District, for lands located at 86 Mall Road**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

The Committee was in receipt of a report from the General Manager, Community Planning and Development Division, dated March 30, 1999.

A submission was received by BSH Developments Ltd., owners of 66 Mall Road, and a petition was submitted by Vera Hamill.

Paul Mallard stated that this application is a request for a further modification to permit a billiard facility and licensed restaurant in a plaza. He advised that billiard halls are permitted as of right in "HH" districts and "G-2" zones and as such are permitted in many surrounding plaza's and a mall. He advised that the Separate School Board has been circulated with no reply. The Planning Department supports the application. Of 46 notices circulated, 3 replied in favour and 11 opposed.

Gerald Luska was present on behalf of the Owner.

Vera Hamill of 870 Upper Wentworth Street submitted a petition in opposition to the proposal. She stated that the billiard hall would cause adverse effects in the surrounding nieghbourhood and that the resident's evenings would be disrupted because the hall will be open to 3 a.m.

Razmi Twal of 707 Lawrence Road, Realtor for the proposal was present. He stated that he is in favour of the use and that traffic can be easily accommodated.

Gerald Luska advised that the business is not an attraction for children or young adults. The owners of the establishment have run a similar business for 10 to 20 years.

Alderman Kelly stated that he has petitioned the area residents and they are concerned over their quality of life. The business has been operating illegally for several weeks. Police have been called regarding disturbances at that location and they have advised that east end gangs frequent this location.

Alderman Anderson advised that it is not appropriate to locate this operation near 3 seniors' facilities. It concerns him that the business is operating prior to approval and that they have had problems with their other establishment.

Alderman Copps was concerned that the Board of Education has not replied. She supports the ward aldermen.

Alderman Haining stated that billiard halls can be accepted if they are run properly but he was concerned that the business is operating without approval.

The Committee moved to deny the application and recommended to Council as follows:

That Amended Zoning Application ZAC-99-02, by 774728 Ontario Limited (Gerald Luska) and Henesh Holdings Limited, owners, for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District to permit a billiard hall and restaurant, for lands known municipally as 86 Mall Road, as shown on the attached map marked as APPENDIX "B", be denied on the following basis:

(a) it is incompatible with and has the potential for negative spillover effects (noise, parking, litter, etc.) on the surrounding land uses; and,

(b) it conflicts with the intent of the approved Thorner Neighbourhood Plan.

3. GENERAL MANAGER, CORPORATE SERVICES DIVISION

St. Mark's Centre - Update

Mr. Desnoyers explained that following Council approval in July , 1998 the roof of St. Marks was repaired at a cost of $23,000. These costs will be recoved by the abbutting property owner's insurance company. Regarding the comprehensive use plan mr. Desnoyers advised that it is difficult to determine costs of restoration

since the intended use will play a factor in this. Costs for restoration are estimated to be in the vicinity of $250,000.

Alderman Copps was of the opinion that older buildings in the downtown core should be saved.

Nina Chapple advised tat a request for proposals has been prepared which will soon appear in the paper. She stated that there are groups presently interested in the building. With the availability of Trillium and millennium funding the time is right to renovate the building. A sub-committee will review the proposals and make a recommendation to the Planning and Development Committee.

Alderman Corsini advised that the Durand Nieghbourhood association does not want this building occupied by any social service agency.

The Committee determined that the sub-committee will be comprised of the Planning and Development Committee chairperson and vice-chairperson, and the 2 ward aldermen.

4. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Meeting held April 7, 1999

The minutes of the meeting held April 7, 1999 were adopted as circulated.

The following recommendations were forwarded to Council for approval:

B. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

(i) **"Annabelle Place", (Cash in lieu of 5% Parkland Dedication)dated April 6, 1999:**

That the City of Hamilton now accept the sum of $10,000 as a cash payment in lieu of the 5% land dedication in connection with "Annabelle Place", Hamilton being the cash payment required under section 51.1 of the Planning Act.

(ii) **1155 West 5th Street – Demolition, dated March 25, 1999:**

That the Building Commissioner be authorized to issue a demolition permit for 1155 West 5th Street in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) **Removal of Part Lot Control, Lots 2-18, inclusive and Lots 21-25 inclusive, Registered Plan 62M-877, "Wellington Meadows, Phase 1", dated April 15, 1999:**

(a) That approval be given to Part Lot Control Application 99-01, Scarlett Homes Ltd., owner, to remove part-lot control for Lots 2 – 18, inclusive and Lots 21 – 25, inclusive, located in "Wellington Meadows, Phase 1", Registered Plan 62M-877, known municipally as 1 – 53 Pineridge Drive, inclusive (excluding 21 and 33 Pineridge Drive) and, for the purpose of

establishing maintenance easements, as shown on the attached map marked as Appendix "C"; and,

(b) That the appropriate by-law, to remove part lot control from Lots 2 – 18, inclusive and Lots 21 – 25, inclusive, located in "Wellington Estates, Phase 1", Registered Plan 62M-877, be enacted by Council; and,

(c) That the exempting by-law be restricted to a 1 year effective time period to expire on May 1, 2000; and,

(d) That following the enactment of this by-law, the Director, Development Approvals, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

C. **GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

Core Heritage 2000 Program, 34-36 Hess Street, dated April 9, 1999:

That a grant for façade improvements, under the Core Heritage 2000 Program in the amount of $12,242 to Intrilectual Investments Inc., registered owners of 34-36 Hess Street South, be approved.

D. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

The Committee approved the previously received information items as follows:

(a) Secretary, LACAC re: Minutes of the meeting held February 8, 1999, dated March 8, 1999

(b) General Manager Community Planning and Development Division re: Approved Site Plan Control Application dated March 11, 1999

5. **OTHER BUSINESS**

(a) The Mayor requested and the Committee concurred that the repayment period for the Tax Incentive Progam for Heritage Buildings in the Downtown Core be increased from 5 years to ten years.

The Committee therefore recommended to Council as follows:

That Item 5 of the NINTH Report of the Planning and Development Committee for 1999 which was approved by City Council at its meeting of April 13, 1999, regarding Tax Incentive Program for Designated Commercial/Industrial Buildings in Hamilton's Downtown, be amended by:

(a) Increasing the time frame for the annual rebate from a five year period to a ten year period; and,

(b) Directing that staff of the Community Planning and Development Division report back regarding possible methods of financing.

(b) Mary Pocius of the International BIA was present to advise that the City of Hamilton architects would like to have a 2 day Charette in October 1999 as a gift to the City of Hamilton. This will be similar in nature to the Charette which was held as a sesquicentennial gift to the city. In this case the architects will focus on specific buildings in the downtown core and, redesign and suggest uses for them.

She asked if there is any opportunity for assistance in the form of secretarial assistance for the project.

(c) Alderman Copps questioned whether there will be a youth correction facility located in Interval House. She was concerned in light of the fact that these facilities are being reviewed within the City of Hamilton.

Building department staff is to investigate this.

5. ADJOURNMENT

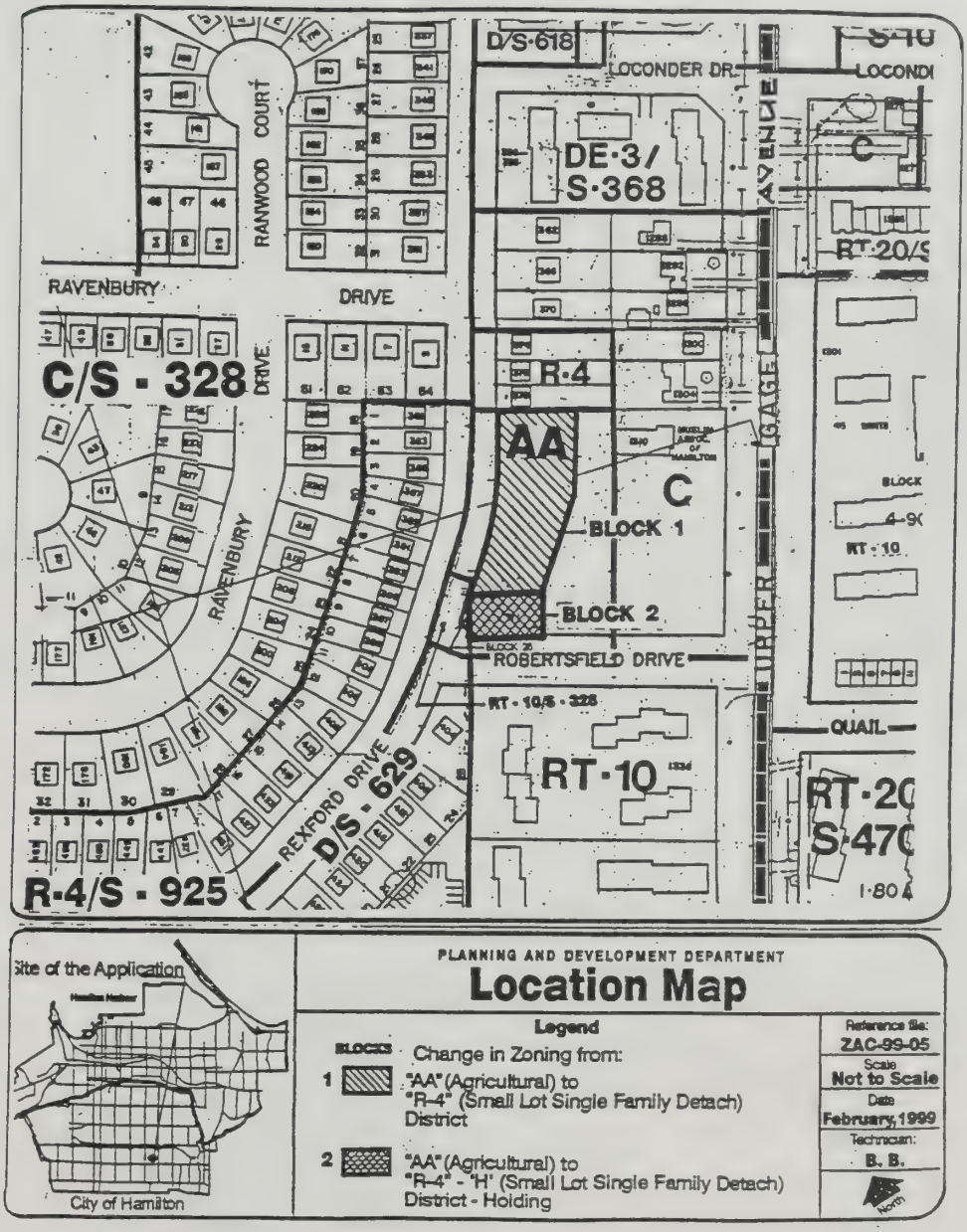
There being no further business, the meeting then adjourned.

Taken as read and approved.

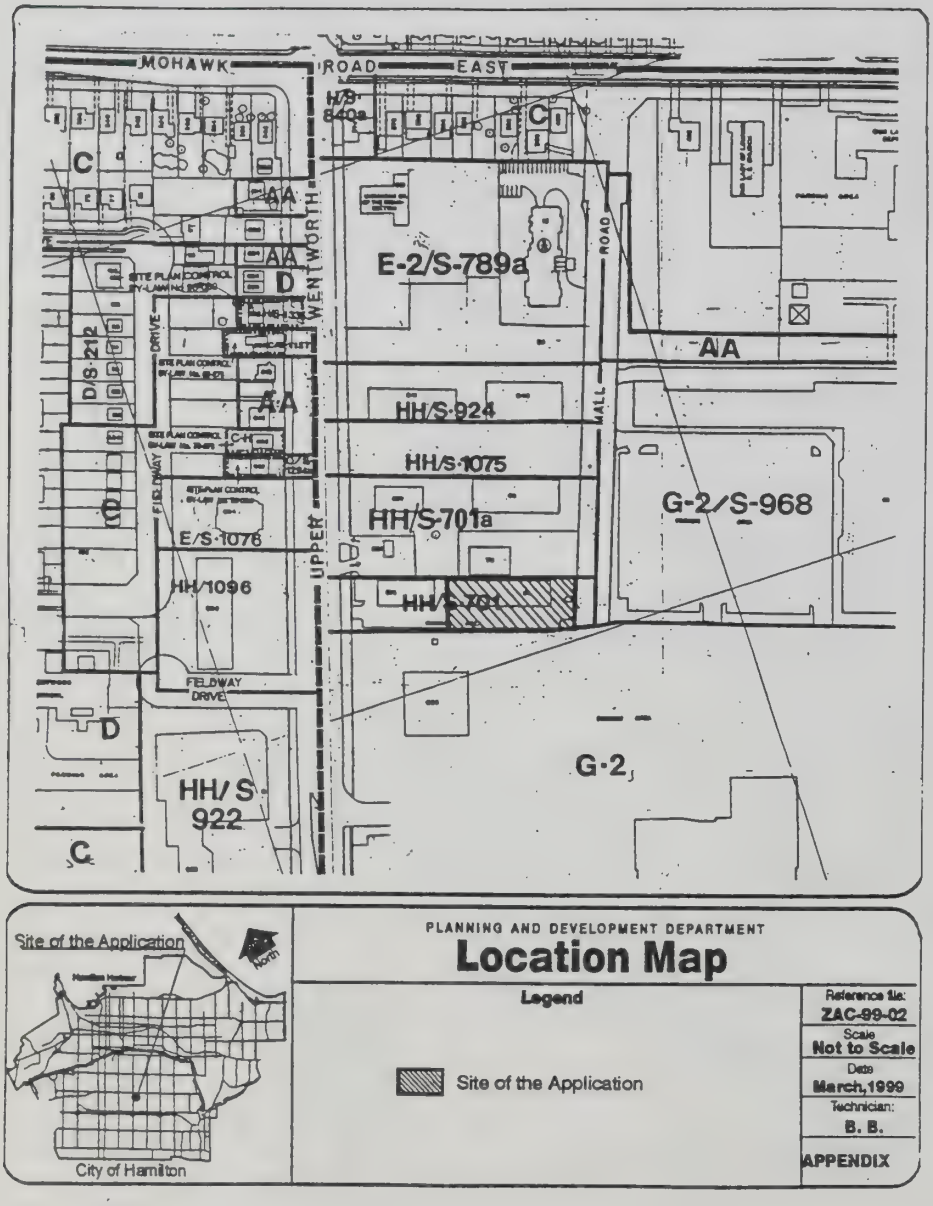
Alderman F. D'Amico
Chairman
Planning and Development Committee

Tina Agnello
Secretary
/ta

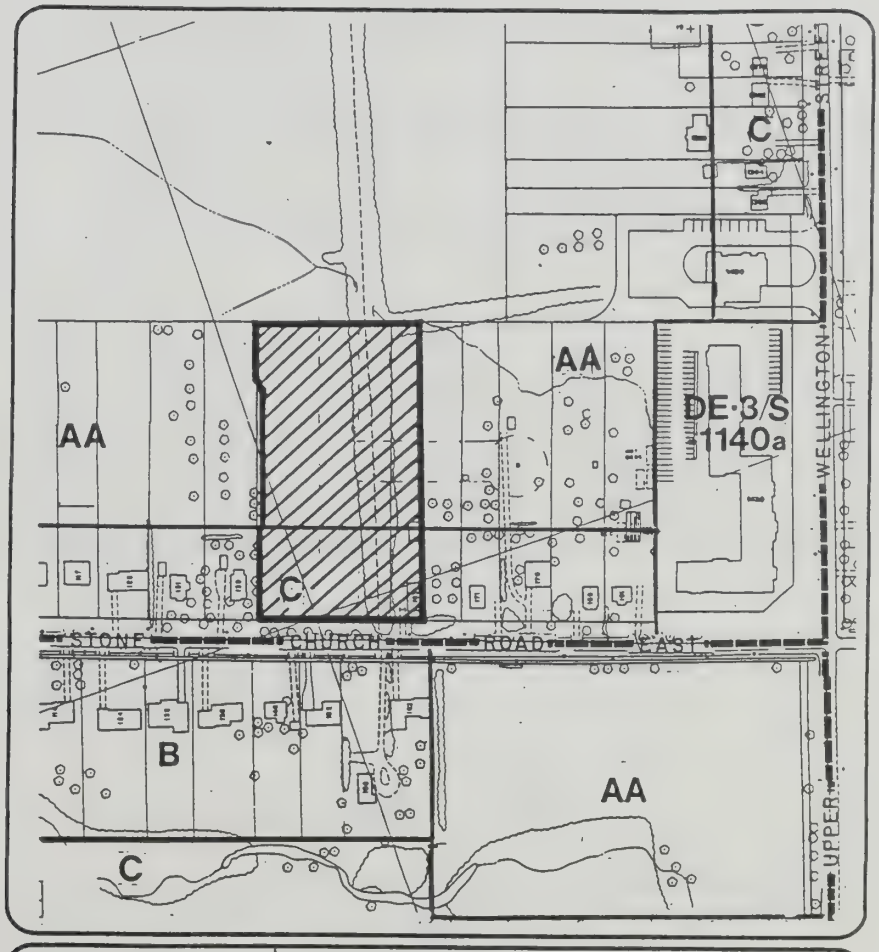
Appendix "A" referred to in Section 1 of the Planning & Development Committee Minutes for April 21, 1999.

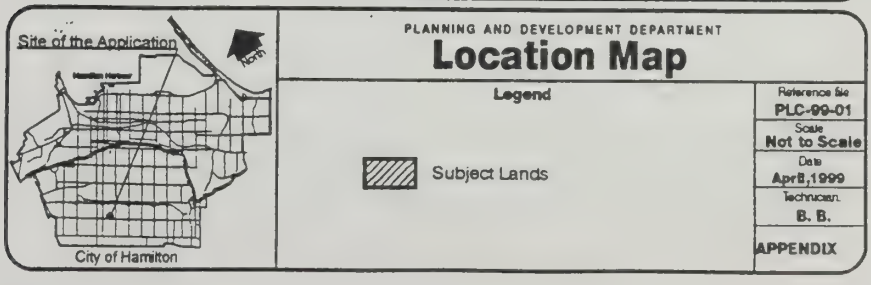


Appendix "B" referred to in Section 2 of the Planning and Development Committee Minutes for April 21, 1999.



Appendix "C" referred to in Section 4B(iii) of the Planning and Development Committee Minutes for April 21, 1999.





B.

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 April 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Michael J. Schuster
General Manager, Social and Public Health Services Division

SUBJECT: Downtown Convert/Renovate-to-Residential Loan Program
34 – 36 Hess Street South, Hamilton

RECOMMENDATION:

That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of forty-six thousand, one hundred and ten dollars ($46,110) to Steve Pocrnic, Harry Guillo Mancini and Ronald Leslie Kovas, c.o.b. as Intrilectual Investments Inc., for conversion of 34-36 Hess Street South into three residential units be approved, subject to the fulfillment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program.

M. J. Schuster, General Manager

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of $46,110 is to be funded from the Downtown Convert/Renovate-to-Residential Loan Program, the current balance of which is $1,175,800.

BACKGROUND:

As part of "downtown revitalization", the City and Region have contributed funds for the establishment of the Downtown Convert/Renovate-to-Residential Loan Program. The intent of the Program is to increase housing in the downtown by financially assisting with the conversion of upper floors of commercial buildings into apartments. The Program provides an interest free loan of $20 per square foot up to a maximum of $20,000 per unit, for a ten year term. The owners, Steve Pocrnic, Harry Guillo Mancini and Ronald Leslie Kovacs, c.o.b. as Intrilectual Investments Inc., have applied for assistance under this program. They wish to convert a commercial building at 34-36 Hess Street South into three (3) residential units.

The overall cost for improvements to this property is $148,176. The applicant has recently received approval under the Core Heritage 2000 Program in the amount of $24,676 for façade improvements.

Staff have reviewed the application and support the loan. The loan of $46,110 will be amortized over a ten- (10) year period at 0 per cent interest. The monthly repayments will be $384.25 and a promissory note and a lien will be provided by the applicant as security for the loan.

MJS/MM/dk

Cc Ray Camani, Finance Department
Dave Powers, Legal Services
Mark V. Mascarenhas, Housing and Shelter Branch

C1)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 April 13

REPORT TO: T Agnello, Secretary
Planning & Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning & Development Division

SUBJECT: 1999 Annual Conference of the Association of Committees of Adjustment (99.2.4.2.1.A, 99.2.4.3.2)

RECOMMENDATION:

That the Chairman of the Committee of Adjustment or his nominee and another member of the Committee of Adjustment be authorized to attend the 1999 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for four days, 1999 June 6 - 9, in Richmond Hill Ontario at an expense not to exceed $940 each to be charged to account CH55201-10010, Legislative Travelling.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted conference is an educational conference of mutual benefit to all members across the province. The City of Hamilton Committee of Adjustment is scheduled to host the Conference in the year 2001.

LAC/LCK/PF/dm

(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 April 15

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
739 UPPER PARADISE ROAD - Tag Number 99-102702
(99.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 739 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

LeeAnn Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: B (Map W-27B)

PRESENT USE: Single Family Dwelling (Vacant)

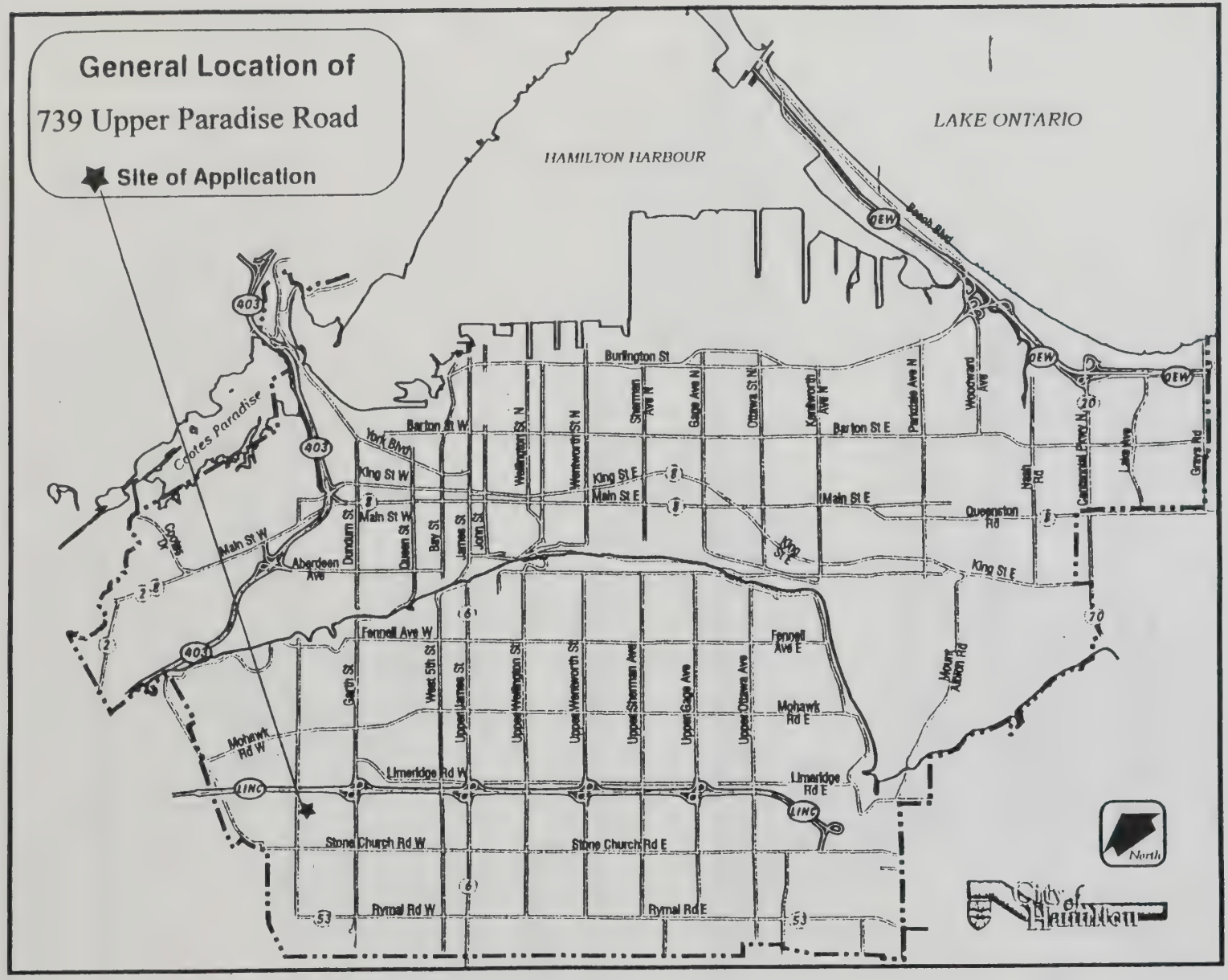
PROPOSED USE: Vacant Lot

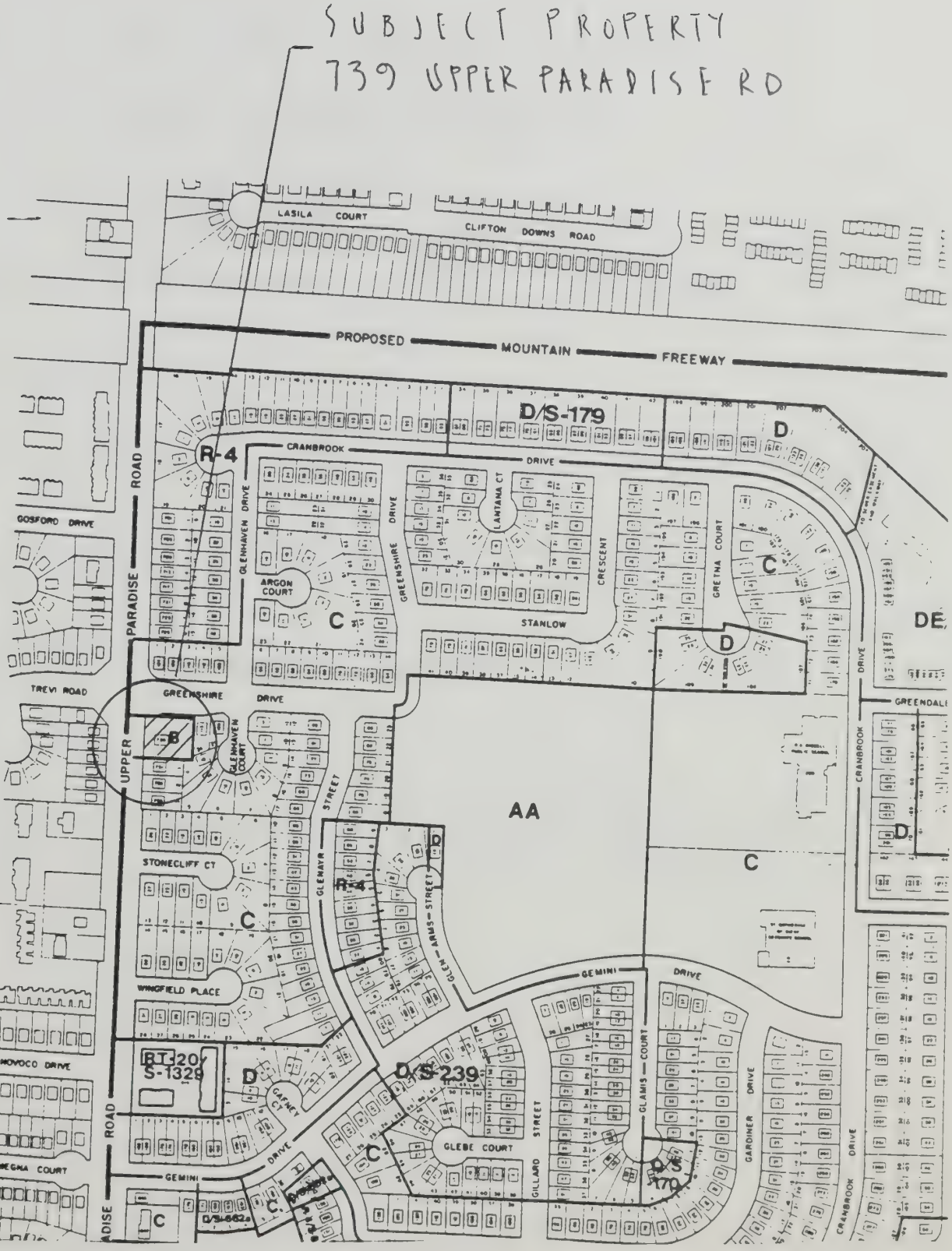
BRIEF DESCRIPTION: The owner proposes to demolish the existing 1-1/2 storey single family dwelling and leave the lands vacant at this time. This property is located in the GILKSON Neighbourhood and is located in Ward 8 (please see attached neighbourhood map and city overview map). No LACAC interest. Lot size 108' x 140'.

The owner of the property and applicant as per the demolition permit is:

Chris Gotsopoulos
192 Darlington Drive
Hamilton, Ontario L9C 2M5

FP/zr


General Location of
739 Upper Paradise Road
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Burlington St
Burton St W
Burton St E
King St W
King St E
Main St W
Main St E
Queenston Rd
King St E
Fennell Ave W
Fennell Ave E
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Paradise Ave N
Woodward Ave
Centennial Pkwy N
Lake Ave
Gray Rd
Nash Rd
Mount Albion Rd
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Coles Paradise
York Blvd
Main St W
403
LINC
North
City of Hamilton


SUBJECT PROPERTY
739 UPPER PARADISE RD
LASILA COURT
CLIFTON DOWNS ROAD
PROPOSED MOUNTAIN FREEWAY
D/S-179
R-4
CRANBROOK DRIVE
GOSFORD DRIVE
PARADISE ROAD
GLENHAVEN DRIVE
GREENSHIRE DRIVE
ARGON COURT
LANTANA CT
CRESCENT
GRETNA COURT
STANLOW
TREVI ROAD
UPPER
GLENHAVEN COURT
STONECLIFF CT
GLENAYR STREET
GLEN ARUS STREET
AA
GREENDALE
WINGFIELD PLACE
GEMINI DRIVE
NOVOCO DRIVE
BT-20
S-1329
GARNET CT
D/S-239
GLEBE COURT
GILLARD STREET
GLAMIS COURT
GARDINER DRIVE
CRANBROOK DRIVE
REGINA COURT
D/S 170

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: April 28, 1999

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) L. Coveyduck, General Manager, Community Planning and Development Division re: Approved Site Plan Control applications, dated April 15, 1999

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

6. **REFERRAL FROM COUNCIL**

Correspondence respecting the Hamilton Harbour Commissions' Land Use and Development Bylaw

7. **DELEGATIONS**

Jim Gates re: 124 Walnut Street

8. **SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Intent to Designate Auchmar Estate, 88 Fennell Avenue West under the Ontario Heritage Act

Submissions: a) Terrence A. Whelan on behalf of the Sisters of Social Service – request for tabling

b) Letter of Support from the Hamilton Historical Board

9. **CONSENT AGENDA**

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
3	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
4.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
5.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
6.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
7.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
8.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
9.	Radial Separation for residential and short term Facilities	1998 December 2	Staff to prepare report	Report Pending
10.	Detention centre as use in H district	1998 December 2	Staff to prepare report	Report pending
11.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
12.	Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.	February 17, 1999	Tabled pending staff report	Report Forthcoming May 11, 1999

1.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 May 4
ZAC-99-08
Falkirk West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager, Community Planning and Development Division

SUBJECT: Request for a modification in zoning for lands located at 1062 and 1088 Upper Paradise Road

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-99-08, Visplar Holdings Limited (E. LeBerge), owner, for a modification in zoning to the established "D" (Urban Protected Residential – One and Two Family, etc.) District (Block "1") and "D" – 'H' (Urban Protected Residential – One and Two Family, etc. - Holding) District (Block "2"), for lands known municipally as 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Subsection 7. of Zoning By-law No. 98-210 be repealed in its entirety and replaced with the following:

"That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "4" and "5" referred to in Sections 1.(a) and (b), be modified to include the following variances as special requirements:
(Note: new/revised zoning standards are shown in bold and italics)

(a) ***for a dwelling with a detached garage, then the following provisions shall apply:***

(1) that notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:

(i) a front yard of a depth of at least 4.5 metres to the main wall of the dwelling shall be provided and maintained;

(2) that every roofed-over and unenclosed front porch shall have a minimum width of 3.0 metres and a minimum depth of 2.0 metres for every single family dwelling and two family dwelling;

(3) ***that notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, a roofed-over porch shall be setback at least 2.0 metres from the front lot line;***

(4) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a single family dwelling one side yard of at least 0.9 metres and one side yard of at least 2.8 metres shall be provided and maintained;

(5) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a two family dwelling a side yard of at least 2.8 metres shall be provided and maintained;

(6) that in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained in the rear yard for each single family dwelling;

(7) that for every single family dwelling and two family dwelling, one of the required parking spaces shall be provided and maintained in a detached garage;

(8) that notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;

(b) for a dwelling with an attached garage, then the following provisions shall apply:

(1) that notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:

(i) a front yard having a depth of not less than 4.5 metres to the main wall of the dwelling shall be provided and maintained; and,

(ii) a front yard having a depth of not less than 6.0 metres to the garage or carport shall be provided and maintained;

(2) that every roofed-over and unenclosed front porch shall have a minimum width of 3.0 metres and a minimum depth of 2.0 metres for every single family dwelling and two family dwelling;

(3) that notwithstanding Section 18.(3)(vi)(d) of Zoning By-law No. 6593, a roofed-over porch shall be setback at least 2.0 metres from the front lot line;

(4) that notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;"

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as amended by By-law No. 98-210, as Schedule S-1405b, and that the subject lands on Zoning District Map W-37D be notated as S-1405b;

(iii) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council; and,

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a further modification to the established "D" (Urban Protected Residential – One and Two Family, etc.) District (Block "1") and "D" –'H' (Urban Protected Residential – One and Two Family, etc. - Holding) District (Block "2") zoning for property located at 1062 and 1088 Upper Paradise Road in the Tiffany Park draft approved plan of subdivision (see Appendix "A").

The effect of the By-law is to permit the construction of single family dwellings and two family dwellings with either attached or detached garages, whereas the provisions of the Zoning By-law applicable to the subject lands requires that dwellings be constructed only with detached garages. In addition, the by-law removes the maximum lot coverage restriction of 40% of the lot area, established under the provisions of Zoning By-law No. 98-210 applicable to the subject lands.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for a further modification to the established "D" (Urban Protected Residential – One and Two Family, etc.) District (Block "1") and "D" –'H' (Urban Protected Residential – One and Two Family, etc. - Holding) District (Block "2") zoning to permit the construction of single-family dwellings and two-family dwellings with an attached garage, whereas the provisions of Zoning By-law No. 6593, as amended by By-law No. 98-210, applicable to the subject lands, requires that dwellings be constructed

with a detached garage. In addition, it is proposed to remove the maximum lot coverage restriction of 40% of the lot area.

The application is for a further modification in zoning for those lands identified as Blocks "4" and "5" of By-law No. 98-210. The subject lands are intended to be developed for 28 lots for single family dwellings and 6 lots (12 units) for semi-detached dwellings in the "Tiffany Park" draft approved plan of subdivision (see Appendices "B" and "C").

Subdivision Application 97-08 ("Tiffany Park") and Zoning Application 97-42

City Council, at its meeting of June 30, 1998, approved Subdivision Application 97-08 and Zoning Application 97-42. The purpose of these applications was to permit the development of the subject lands for "innovative housing" in accordance with the Falkirk West Neighbourhood Plan. In this regard, City Council passed By-law No. 98-210 on August 5, 1998 to permit the development of the subject lands for 51 lots for single family dwellings, 9 lots for semi-detached dwellings and 1 block for townhouse units in accordance with the draft approved plan of subdivision "Tiffany Park".

By-law No. 98-210 provides for special requirements for the development of Blocks "1", "2" and "3" for "wide-lot dwellings" and Blocks "4" and "5" for "neo-traditional" housing. With respect to Block "5", the By-law prohibits the development of the subject lands until the holding provision has been removed which is conditional upon the realignment of Upper Paradise Road.

APPLICANT:

Visplar Holdings Limited (E. LeBerge), owner.

AGENT:

A. Fletcher, A.J., Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape and have:

- a lot depth of 186 m;
- a lot frontage of 197.6 m along Upper Paradise Road; and
- an approximate lot area of 3.0 ha.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant lands	"D" (Urban Protected Residential – One and Two Family, etc.) District, modified and "D" – 'H' (Urban Protected Residential – One and Two Family, etc. – Holding) District, modified
Surrounding Land Use		
to the north	Vacant (Planned one and two family dwellings) lands	"D" (Urban Protected Residential – One and Two Family, etc.) District, modified
to the south	Vacant lands	"AA" (Agricultural) District
to the west	Vacant lands	"RT-20" (Townhouse – Maisonette) District
to the east	Institutional and Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" Agricultural District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Innovative Housing" in the approved Falkirk West Neighbourhood Plan. The proposed modification in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has advised that they have no objection to the proposed change in zoning.

- The Building Department, Community Planning and Development Division has advised of the following:

  "1. Accessory buildings shall be subject to Section 18.(4) of Zoning By-law No. 6593.

  2. Section 10(3)(ii) of Zoning By-law No. 6593 requires a minimum side yard width of 1.2m and Section 7(n) of the proposed modification (as submitted by the applicant) is therefore not required."

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the above application and have no comment."

- The Development Engineering Section, Community Planning and Development Division has advised of the following:

  "With respect to your letter dated March 19, 1999, there are external public watermains and separate storm and sanitary sewers available to service the subject lands. Internal servicing will be dealt with under the required servicing agreement with the Region.

  All issues relating to road widenings, street patterns, etc., will be addressed through the registration of the Tiffany Park Plan of Subdivision.

  We recommend that the unenclosed porches be set back a minimum of 2.0 m from the front property/street line in order that minimum 3m by 3m visibility triangles can be established between the municipal sidewalk and the driveway accesses to the street. The proposed setback requested by the applicant should be revised accordingly.

  Any other works within the adjacent road allowances must conform to the respective streets By-laws".

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Falkirk West Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the Falkirk West Neighbourhood Plan;

   ii) it is consistent with planned development in accordance with the "Tiffany Park" subdivision; and,

   iii) it would be compatible with the abutting and planned residential uses.

3. The variances to the "D" District can be supported in that it will allow for alternative house design in keeping with the "Innovative Housing" designation in the Falkirk West Neighbourhood Plan.

The general intent of the "innovative housing" designation in the Falkirk West Neighbourhood Plan is to provide for the construction of residential dwelling units incorporating alternative development/zoning requirements responding to a unique segment of the housing market. This will allow for the opportunity to implement and evaluate alternative zoning standards that deviate from the typical suburban house form.

The existing zoning standards were developed based on development concepts that have been built in Cornell (Markham) and Oakville. The applicant has advised that revisions to these concepts are required to reflect the local housing market and as such the following variances are required:

- Dwelling Type:

  Under the provisions of Zoning By-law 98-210, dwellings are required to be constructed with detached garages. The applicant has requested that the By-law be revised to permit the construction of dwellings with both detached and attached garages, but that the dwellings will still be constructed with the reduced front yard setback and provide for the required front porch. In this regard, the requested variance to the By-law can be supported.

- Lot Coverage:

  A maximum lot coverage ratio of 40% of the total lot area was established in Zoning By-law No. 98-210. This was established to ensure that adequate outdoor amenity space was provided by preventing the over-building of the lots. It is noted that based on the "D" District regulations for front, side and rear yard setbacks, for a dwelling with an attached garage then the lot coverage would be approximately 45% which would provide for an adequate rear yard amenity area, as such the variance can be supported.

- Front Porch Setback:

  The Development Engineering Section has recommended that the existing zoning regulations should be modified to require that the front porch be setback a minimum 2.0 m from the front lot line whereas the existing zoning regulations permit a 1.0 m setback. The increased setback is required to provide for visibility. Based on the minimum required setback of 4.5 m, then a 2.0 setback for the porch will allow for the required porch to be 2.5 m deep which is in keeping with the general intent of the existing zoning to provide for "neo-traditional" designed dwellings. In this regard, the variance to require the front porch to be setback 2.0 m from the front lot line can be supported.

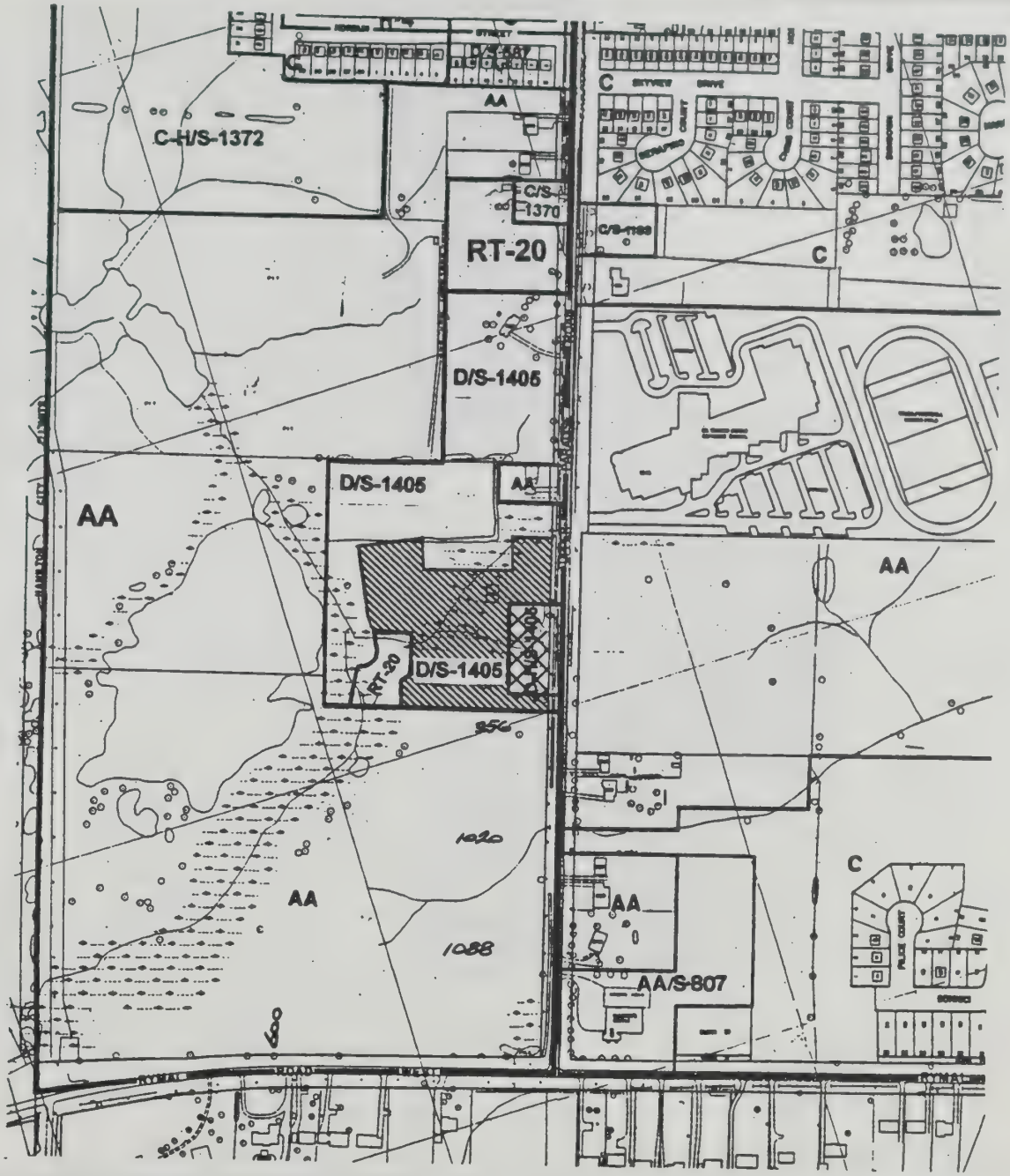
4. Under the provisions of Zoning By-law No. 98-210, as amended by By-law No. 99-061, the lands to the north of the subject lands are to be developed as "wide-lot" single detached dwellings. The requested variances to the "D" District will allow for the development of the subject lands for both "neo-traditional" single detached dwellings and "wide-lot" single detached dwellings in accordance with the approved zoning provisions applicable to the "Tiffany Park" subdivision and are in keeping with the intent of the "Innovative Housing" designation in the "Falkirk West" neighbourhood plan. In addition, at the time of approval of Zoning Application 97-42, the subject lands were placed under site plan control to ensure that the general intent and purpose of the Zoning By-law is implemented.

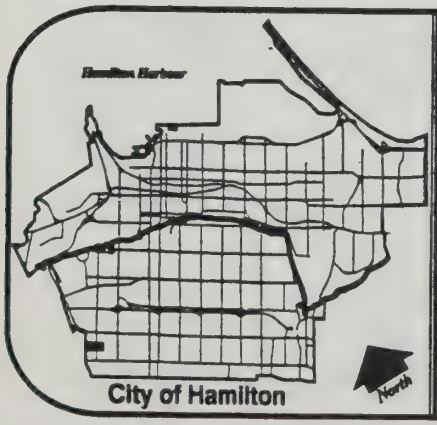
CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-03.doc

SR/sr





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

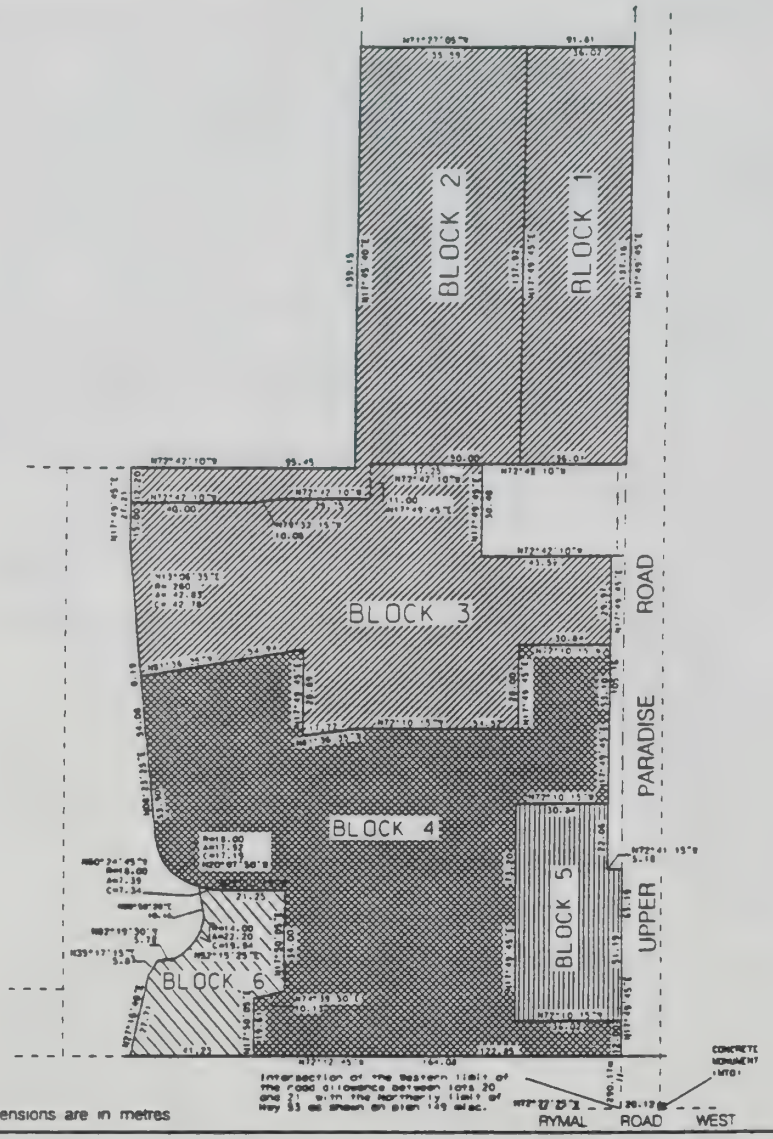
Legend

Block "1" — Further modification to the established "D" (Urban Protected Residential - One and Two Family, etc.) District, modified;

Block "2" — Further modification to the established "D" – 'H' (Urban Protected Residential - One and Two Family, etc. - Holding) District, modified.

Reference file:	ZAC-99-08
Scale	Not to Scale
Date	March,1999
Technician:	FAB

APPENDIX A



NOTE All dimensions are in metres

This is Schedule "A" to By-Law No. 98- 210
Passed the ...5th..... day of ...AUGUST..... , 1998.

Acting Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 98- 210

to Amend By-Law No. 6593

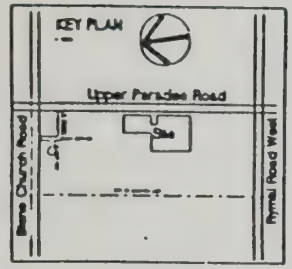
Planning and Development Department

Legend

BLOCKS 1, 2, 3	From "AA" (Agricultural) District to "D" (Urban Protected Residential–One and Two Family, etc.) District Modified
BLOCK 4	From "AA" (Agricultural) District to "D" (Urban Protected Residential–One and Two Family, etc.) District Modified
BLOCK 5	From "C" (Urban Protected Residential, etc) District to "D" – "H" (Urban Protected Residential One and Two Family,etc. – Holding) District, Modified.
BLOCK 6	From "AA" (Agricultural) District to "RT-20" (Townhouse–Maisonette) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-42
	Date	Drawn By
	July 1998	JSims

APPENDIX "B"



Additional information required under Section 51 (17) of the Planning Act, of the Province of Ontario

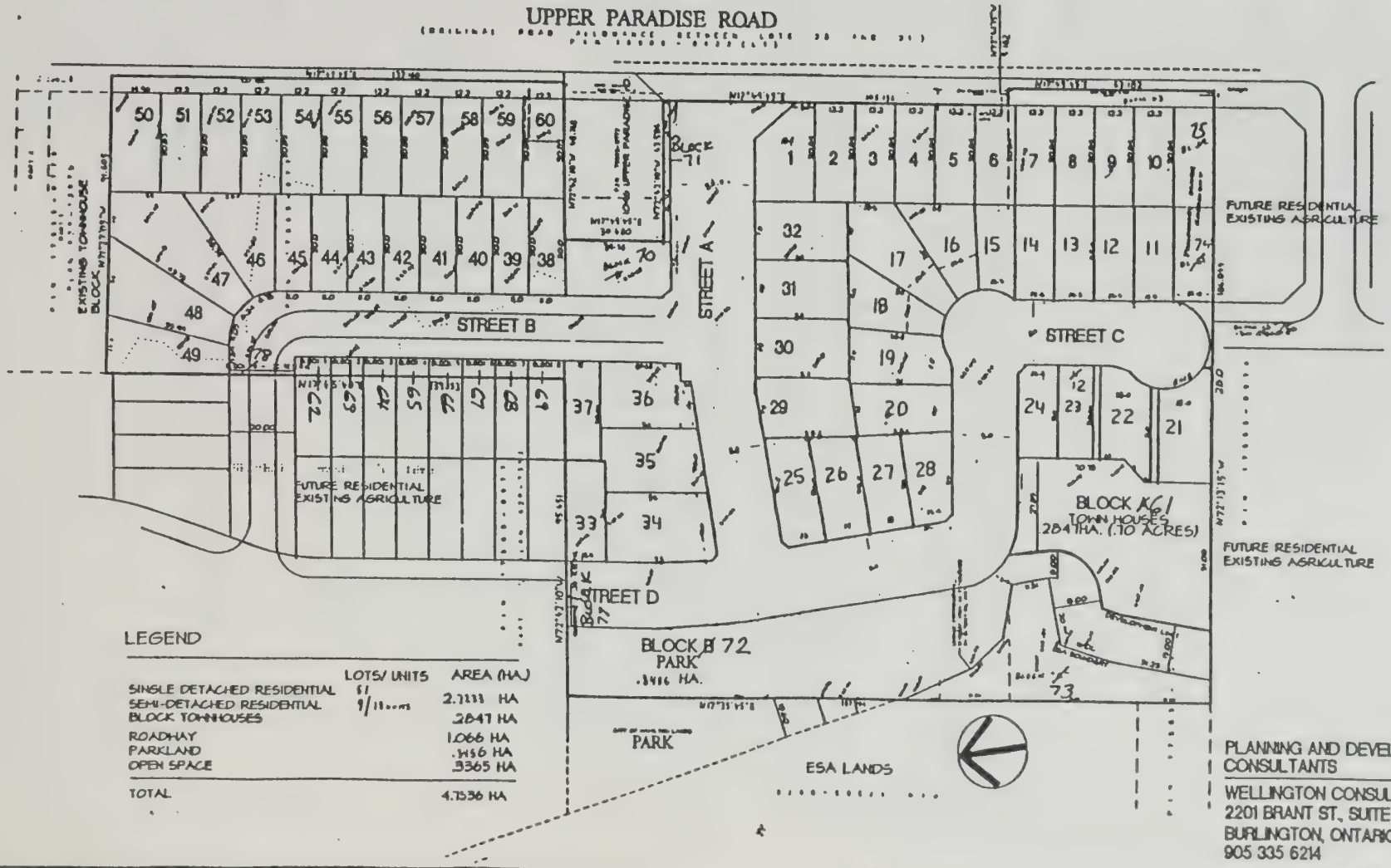
SURVEYOR'S CERTIFICATE

OWNER'S CERTIFICATE

TIFFANY PARK
DRAFT PLAN

BEING A SUBDIVISION OF part lot 21, concession 1, in the City of Hamilton, (formerly in the Township of Barton), in the Regional Municipality of Hamilton Wentworth

SCALE 1:800



LEGEND

	LOTS/ UNITS	AREA (HA)
SINGLE DETACHED RESIDENTIAL	61	2.7333 HA
SEMI-DETACHED RESIDENTIAL	9/11 units	
BLOCK TOWNHOUSES		.2847 HA
ROADWAY		1.066 HA
PARKLAND		.3456 HA
OPEN SPACE		.3365 HA
TOTAL		4.7536 HA

APPENDIX "C"

PLANNING AND DEVELOPMENT CONSULTANTS
WELLINGTON CONSULTANTS
2201 BRANT ST., SUITE 103
BURLINGTON, ONTARIO L7P 3N8
905 335 6214

MICHAEL SPAZIANI ARCHITECT INC.

CLIENT
VISPLAR HOLDINGS INC.

PROJECT
TIFFANY PARK HAMILTON

SHEET TITLE
DRAFT PLAN OF SUBDIVISION

PROJECT NO. A7244
SCALE 1:800
DATE NOV 26, 97
DRAWN JS
CHECKED MS
FILE NO. 7244-SP1
SHEET NO. DP1

CITY OF HAMILTON

2.

- RECOMMENDATION -

DATE: 1999 April 30

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Official Plan Amendment No. 161 – 649 Pritchard Road

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment No. 161,** to establish a Special Policy Area to permit an industrial use within 90 m of existing residential uses, for property located at 649 Pritchard Road, as shown on the attached map marked as APPENDIX "A";

(b) That the General Manager, Community Planning & Development Division be authorized and directed to prepare a by-law of adoption, to the satisfaction of the Corporate Counsel, for submission to the Region of Hamilton-Wentworth; and,

(c) That the by-law of adoption not be forwarded to Council until the Chairman of Planning and Development Committee and the Ward Alderman have signed the report approving Site Plan Control application DA-99-01 for the subject lands, including an amendment to the Neighbourhood Plan for the East Mountain Industrial Business Park to delete the proposed cul-de-sac running easterly from Pritchard Road.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for an Official Plan amendment.

BACKGROUND:

Proposal

The applicant is proposing to develop the subject lands for a "fabricated metal products industry" in accordance with the permitted uses in the approved "M-14" (Prestige Industrial) District zoning. The subject lands are located adjacent to existing single family dwellings to the north and south. Based on plans submitted with Site Plan Control application DA-99-01, the location of the proposed industrial building is approximately 28 m from the single family dwelling to the south and approximately 57 m from the single family dwelling to the north.

Site Plan Control Application DA-99-01

In January, 1999, the applicant submitted the above-noted Site Plan Control application for the development of the subject lands for a "fabricated metal products industry". This application is currently under review by various commenting agencies, and finalization of the same is pending resolution of a number of matters.

APPLICANT:

Reinier Hill, owner.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 125.9 m (413 feet) on Pritchard Road;
- A depth of 98.1 m (322 feet); and,
- A lot area of 12,133 m2 (3 acres).

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant	"M-14" (Prestige Industrial) District
Surrounding Lands		
To the north and south	Single family dwellings	"M-14" (Prestige Industrial) District
To the east	Hydro corridor, vacant lands	"M" (Prestige Industrial) District
To the west	Vacant	"M-14" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated "Industrial" on Schedule 'A' – Land Use Concept and within Special Policy Area 11 on Schedule "B-3" - Other Special Policy Areas of the Official Plan. The following policies, amongst others, apply:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" and Schedule "B-3" as Special Policy Area 11 and 11a. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community like precinct such as the East Mountain Industrial-Business Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.

A.2.3.16 New developments in the LIGHT INDUSTRIAL category may be subject to site plan control as provided by The Planning Act. However, all developments in the prestige Industrial Districts will be subject to Site Plan Control.

A.2.3.17 Council will encourage all new developments in LIGHT INDUSTRIAL precincts to adhere to good architectural quality in building design.

A.2.3.19 In the LIGHT INDUSTRIAL precinct known as the East Mountain Industrial-Business Park, those ancillary uses permitted within INDUSTRIAL areas as set out in Policy A.2.3.1 (ii) will be restricted to areas abutting major roads. The detailed location of these uses will be identified in the Neighbourhood Plan. In addition, the following provisions will apply:

i) Industrial buildings or processes will not be permitted within ninety (90) metres of any structure on properties used solely for Residential purposes within the Industrial land use designation; and,

A.2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" and "B-3" as SPECIAL POLICY AREA 11 and SPECIAL POLICY AREA 11a, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category will apply. Notwithstanding the foregoing, for those lands which are:

i) shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 11a, in addition to the light industrial uses, business and professional offices and home improvement uses will be permitted; and,"

Based on the foregoing, the subject proposal does not comply with Policy A.2.3.19(i). Approval of this application will necessitate an Official Plan amendment to establish a new Special Policy Area to permit an industrial building within 90 m of existing residential dwellings.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Industrial" on the approved East Mountain Industrial Business Park Plan. The approved Plan also shows a cul-de-sac running easterly from Pritchard Road along the southerly limits of the subject lands (see APPENDIX "B" attached). Approval of the application for Site Plan Control will require a Neighbourhood Plan amendment to delete this proposed road.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority, the Public Works and Traffic Department, and the Community Planning & Development Division (Building) have no comment or objection.

- The Community Planning & Development Division (Development Engineering) advise:

  "The proposed development on the subject lands was previously reviewed by our section under site plan application DA-99-01. We have no objection to the proposed amendment to the City's Official Plan however, we provide the following comments, which are based on our previous review of the proposed development.

  There is a public watermain fronting the subject lands. However, storm and sanitary sewers are not currently available to service the property and are not scheduled to be constructed at this time.

  Therefore, in order to permit the development of the lands, prior to the construction of Regional sewer services on Pritchard Road, the applicant/owner intends to utilize a temporary holding tank to handle the sanitary flows, and storm water management features to control the sites run-off. A Storm Water Management report has been submitted for our review supporting the sites design.

  In addition, and as a condition of Site Plan approval we recommended that the owner enter into a Servicing Agreement with the Region of Hamilton-Wentworth, to the satisfaction of the Region of Hamilton-Wentworth for the construction of the future sewers on Pritchard Road. The agreement will include, but is not limited to the following; provision of security monies for the future construction of the Regional

sewers on Pritchard Road, and a requirement for the disconnection of the sanitary holding tank and reconnection to the Regional sewer at such time as they are constructed.

The existing road allowance width of this section of Pritchard Road is 18.29m. The minimum designated width of City of Hamilton industrial roadways is 20.12m. Therefore as a condition of development approval we recommend that a strip of land, .914 m in depth, along the entire frontage of property on Pritchard road be dedicated to the City of Hamilton for road widening purposes. The owner, Mr. R. Hill is aware of this requirement through DA-99-01.

According to the approved Mountain Industrial Park Neighbourhood Plan, it is intended that Pritchard Road be closed at future Portland Drive to the north of the subject property. The applicant should be advised of this future road closure as access to this property may be limited at that time.

The Approved Mountain Industrial Park also indicates that an internal cul-de-sac street is designated on this property to extend easterly from Pritchard Road, through the Hydro corridor to provide access to lands east of the Hydro Corridor. We understand that the Neighbourhood Planning Section of the Community Planning and Development Division is reviewing this matter.

We recommend that the affected land owners which would have had access to or development from this future cul-de-sac be contacted and that the neighbourhood plan be amended through the normal circulation process and by the appropriate Committee and Council."

- The Community Planning & Development Division (Development) advise:

"Conformity:

The above application **DOES NOT CONFLICT** with the intent of the Hamilton-Wentworth Official Plan.

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and "Business Park", in the Hamilton-Wentworth Official Plan.

Notwithstanding the existing "Business Park" and "Industrial" designations of the subject lands, in the Regional and City Official Plan, provision should be made to provide sufficient screening/buffering of the proposed industrial development from existing residential uses in the area.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Approval of the application will require an amendment to establish a Special Policy Area to permit an industrial use on the subject lands within 90 metres existing residential uses.

2. The proposal has merit and can be supported on the following basis:

   - The proposed industrial use meets the intent of permitted uses in the Light Industrial District in the Official Plan;

   - The proposed industrial use is permitted in the "M-14" (Prestige Industrial) District in Zoning By-law No. 6593;

   - Policy A.2.3.19(i) effectively sterilizes future development of the subject lands since it abuts residential uses to the north and south; and,

   - The intent of Policy A.2.3.19(i) was to protect the existing residences from the adverse impacts (noise, views, traffic, etc.) of industrial development. Measures to reduce these impacts are available through the Site Plan Control process (eg. landscaping, buffering, visual barriers, etc.). In this regard, Site Plan Control application DA-99-01) is currently under review and such measures such as landscaping, buffering and visual barriers and other measure will be required to reduce potential spillover effects.

3. Site Plan Control application DA-99-01 for the subject lands is currently under review. This review has identified a number of variances to the zoning by-law, including a parallel requirement for a 90 metre separation between and industrial and residential buildings, have been identified. Further, this process will require measures to ensure compatibility between the proposed industrial use and the existing residences (landscaping, buffering, screening, access, grading, services, etc.). All of these matters will be dealt with through the Site Plan Control process. On this basis, it is appropriate that as a condition of approval of this Official Plan amendment that the by-law of adoption be held in abeyance until such time as DA-99-01 has been approved by the Chairman of Planning and Development Committee and the Ward Alderman.

4. A Neighbourhood Plan is a detailed refinement of the Official Plan setting out more specific details of development for an area including, classifications of industrial uses, road patterns, etc. These plans are Council adopted policy only and used by Council and the public as a guide to the future development of an area.

   The approved Neighbourhood Plan for the East Mountain Industrial Business Park shows a cul-de-sac running easterly from Pritchard Road along the southerly lot line of the subject lands (see APPENDIX "B" attached). Approval of the application for Site Plan Control will require an amendment to the Neighbourhood Plan to delete this proposed road. Prior to this approval, the

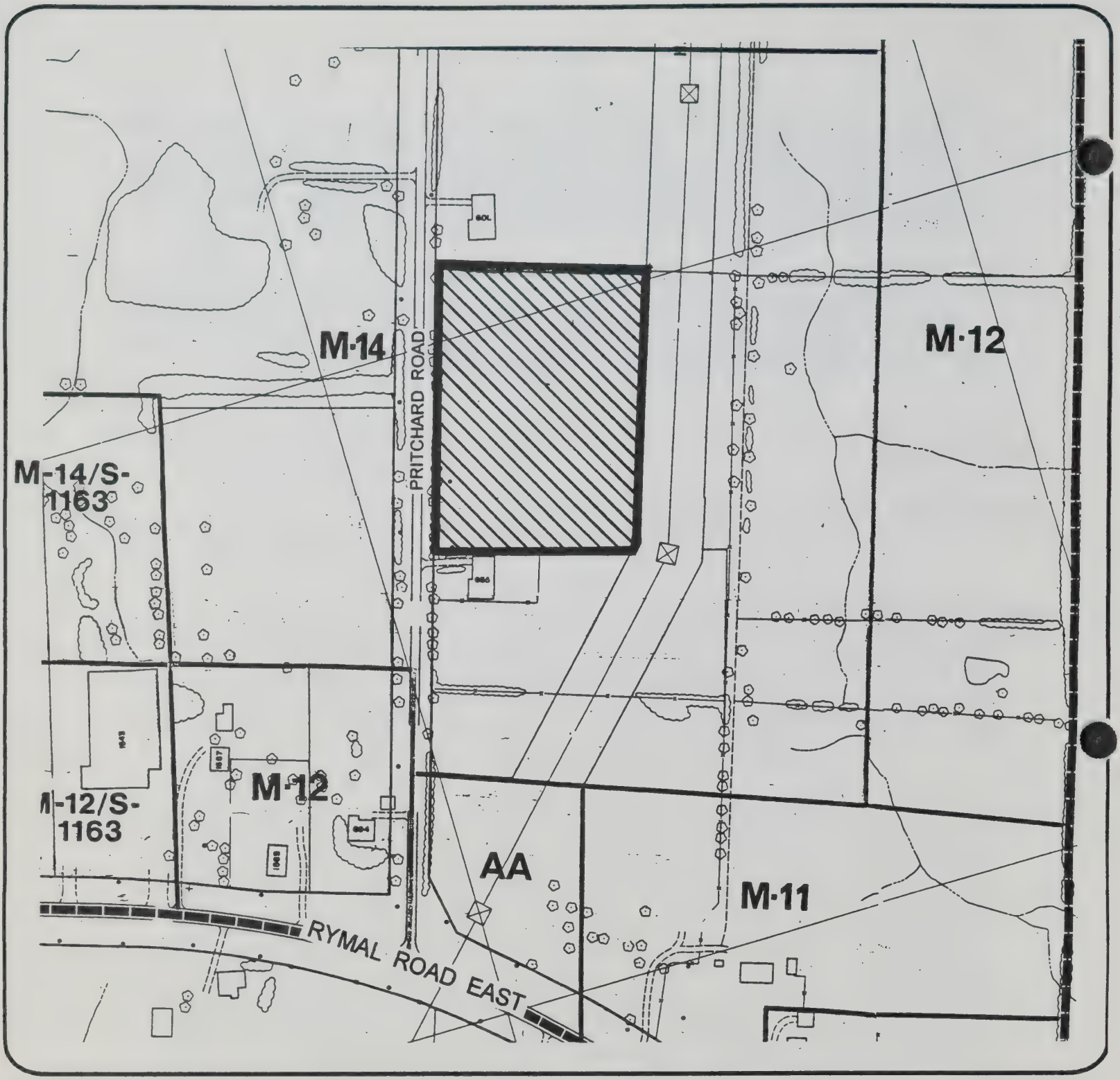
Planning and Development Committee will schedule a Public Meeting to consider the deletion of the cul-de-sac. Once the Neighbourhood Plan amendment has been addressed, the details with respect to landscaping, grading and drainage, servicing, access, etc. can be reviewed through the Site Plan Control application.

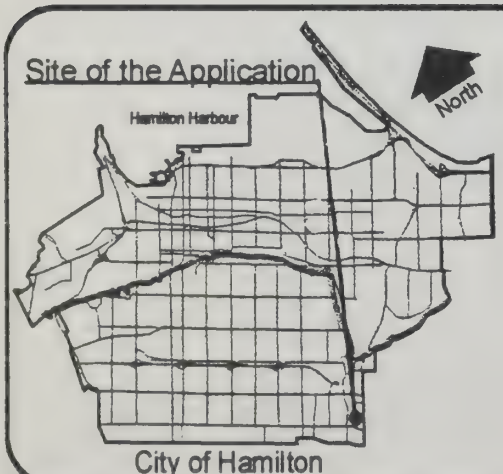
It should be noted, that approval of this Official Plan Amendment does not endorse the specific proposal be considered under the Site Plan Control application (DA-99-01). In this regard, the Official Plan Amendment simply allows for industrial development on the subject lands.

CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/
OPA161





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

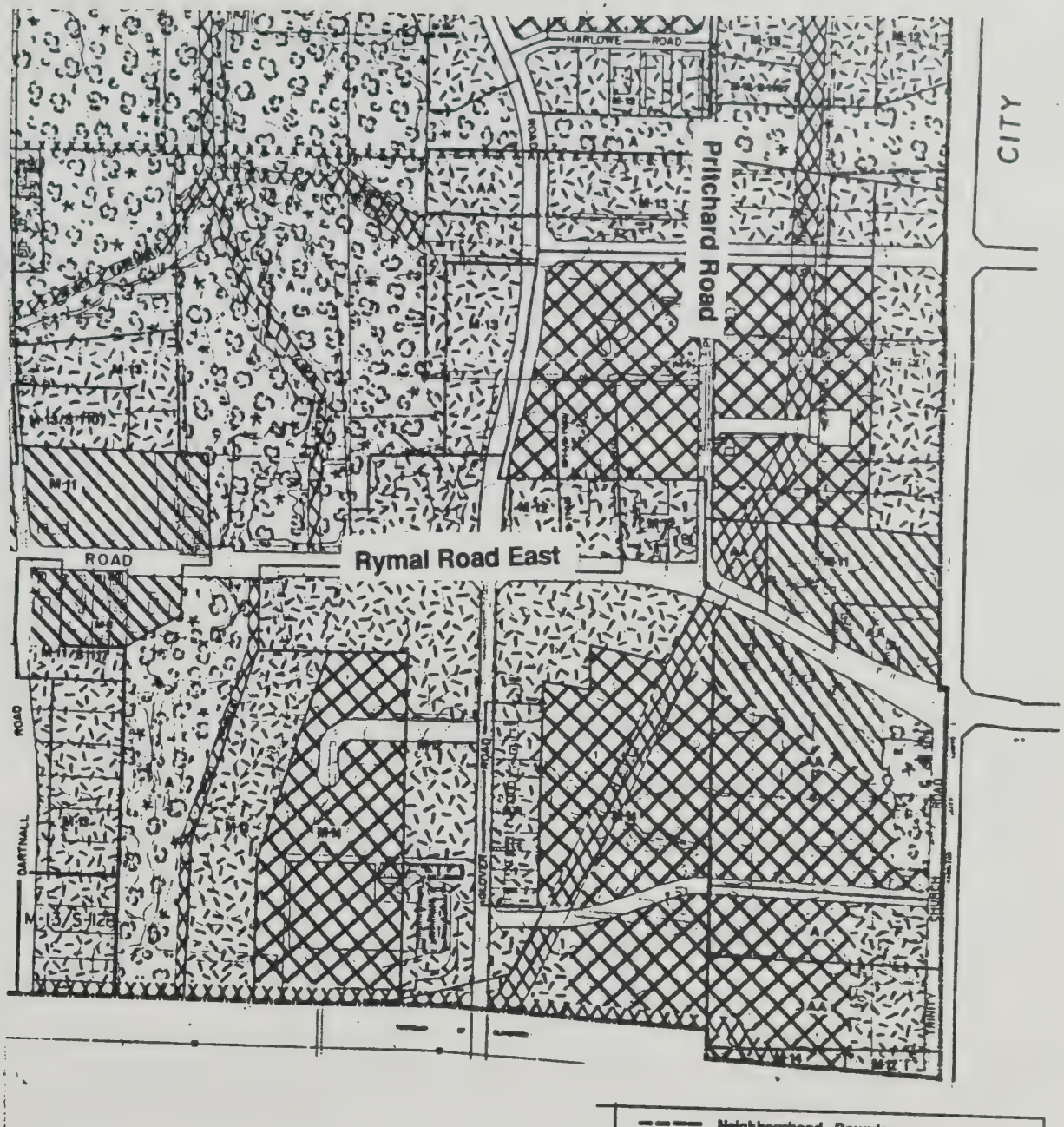
Reference file: **OPA 161**

Scale **Not to Scale**

Date **March,1999**

Technician: **B. B.**

APPENDIX 'A'



Neighbourhood Boundary

Zoning Boundary

Approvals

Planning Committee OCT. 14, 1971 Council NOV. 30, 1971

Latest Revision Date

CITY OF HAMILTON

PLANNING DEPARTMENT

EAST MOUNTAIN INDUSTRIAL – BUSINESS PARK

APPROVED PLAN

NORTH

0 100 m

SCALE 50 m

CITY OF HAMILTON

- RECOMMENDATION -

3.

DATE: 1999 April 30
OPA-159
Barnstown Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Proposed Official Plan Amendment 159 – West Side of Upper Wentworth Street, North of Rymal Road East

RECOMMENDATIONS:

a) That approval be given to **Official Plan Amendment No. 159** to redesignate the subject lands from RESIDENTIAL to MAJOR INSTITUTIONAL on Schedule "A" – Land Use Concept, to permit the development of the lands on the west side of Upper Wentworth Street, north of Rymal Road East for a 120 bed nursing home, as shown on the attached map marked as APPENDIX "A";

b) That upon finalization of the Official Plan Amendment, the subject lands be redesignated from "Medium Density Apartments" to "Civic and Institutional" in the approved Barnstown Neighbourhood Plan; and,

c) That the General Manager of the Community Planning and Development Division be authorized and directed to prepare a by-law, to the satisfaction of Corporate Counsel, for submission to the Region of Hamilton-Wentworth.

LeeAnn Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for an Official Plan Amendment.

BACKGROUND:

Proposal

The applicant is requesting an Official Plan Amendment for lands located on the west side of Upper Wentworth Street, north of Rymal Road West. The purpose of the application is to permit a two-storey 120 bed nursing home.

APPLICANT:

822827 Ontario Inc., c/o Anthony DiSilvestro.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 107.6 m (353.0 feet) on Upper Wentworth Street;
- A depth of 105.5 m (346.1 feet); and,
- A lot area of approximately 1.12 ha (2.768 acres).

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	vacant	"E-2" (Multiple Dwellings)
Surrounding Lands		
To the north	Street Townhouses	"RT-30" (Street-Townhouses) District
To the east	Commercial Plaza	"G-1" (Designed Shopping Centre) District
To the south	vacant	"G-1" (Designed Shopping Centre) District, modified
To the west	Block Townhouses	"RT-20" (Townhouse Maisonette) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' – Land Use Concept of the Official Plan. The City considers a nursing home to be an Institutional use. Policy A.2.6.4 of the Official Plan requires that the development of any new Major Institutional use on a site of 0.4 hectare or greater "will only be permitted by means of an amendment to the Official Plan and Zoning By-Law", where applicable. The subject lands are 1.12 hectares in size. Therefore, an amendment to the Official Plan is required.

The following Official Plan policies, amongst others, apply:

"A.2.6.2 MAJOR INSTITUTIONAL USES may be located in RESIDENTIAL neighbourhoods ... in accordance with the following provisions:

i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;
iii) Adequate provision has been made for access by the physically disabled and senior citizens..."

The proposal complies with the intent of these policies in the following manner:

i) The proposed nursing home will provide off-street parking and loading facilities in compliance with the Zoning By-Law. The location of the proposed parking and loading facilities are to be adequately buffered from adjacent residential development by means of solid wood fencing and landscaping.

A solid wood fence currently exists along the edge of the site to the north and west, and a 1.5 m landscape strip is proposed adjacent to existing residential development. These existing and new features will provide a solid visual barrier and buffer between existing residential and the proposed parking lot at the north property boundary. Details of the landscaping strip will be finalized at the site plan stage.

ii) In terms of compatibility, the proposed nursing home is located within a range of residential densities, and existing and future commercial. Uses include 2 storey block and street townhouses to the west and north, existing commercial to the east, and commercial zoning to the south. This grouping of townhouses, a community shopping centre, and the proposed nursing home near the corner of Upper Wentworth and Rymal functions as a mixed use node. The proposed nursing home would compliment these other uses within the mixed use node.

The proposed 2 storey nursing home is the same height as surrounding uses. The overall massing of the proposed building is slightly greater than existing surrounding development. However, mitigation measures such as setbacks, landscaping and visual barriers should help ensure that the proposal will not have an adverse impact on the surrounding areas or uses.

iii) In terms of accessibility to the physically challenged and senior citizens, the design of the proposed nursing home will ensure compliance with this policy, due to the nature of the residents who would be housed there.

The existing zoning is "E-2" (Multiple Dwellings) District, which permits the proposed use, and therefore an amendment to the Zoning By-Law is not required. No variances to the by-law have been identified. Minor variances may be identified and addressed during the site plan review stage.

The site is subject to site plan plan control. An application for site plan control will be required, and has not yet been submitted. Matters such as access, parking and landscaping will be addressed in detail by means of the site plan review process.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the approved Barnstown Neighbourhood Plan. The proposal does not comply with this designation. An amendment to the neighbourhood plan would be required to change the designation for this site to "Civic and Institutional."

COMMENTS RECEIVED:

- The following Departments and Agencies have no comment or objections:
  - Hamilton Region Conservation Authority; and,
  - Community Planning and Development Division - Building Department.

- The Public Works and Traffic Department has advised that:

  "We have reviewed the proposed development with the applicant and can support the development of a 120 bed nursing home on the subject lands and the required Official Plan Amendment. Our preliminary review indicates that appropriate access, parking and loading can be provided. Comprehensive comments regarding the detailed design will be submitted at the site plan control stage of the development."

- The Community Planning and Development Division - Regional Environment Department has advised that:

  "The above application conforms with the intent of the Hamilton-Wentworth Official Plan.

REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

The Site Plan should include sufficient provision for screening/buffering of the proposed development from adjacent residential development.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Community Planning and Development Division (Development Engineering Section) has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The Region previously acquired the required road allowance widening on Upper Wentworth Street by Instrument No. 491440 CD and shown as Part 8 on Reference Plan 62R-9958. We do not anticipate any further road allowance widenings at this time.

According to plans submitted by the applicant, there is an asphalt walk on private property which connects the concrete municipal sidewalk north of this property to the intersection of Rymal Road and Upper Wentworth Street. As a condition of development approval, the applicant/owner will be required to remove the asphalt sidewalk and construct a new sidewalk to City/Regional standards on the west side of Upper Wentworth Street. The applicant/owner should review previous development proposals for this property to determine whether the cost and construction of the municipal sidewalk may have been included in previous agreements with the City/Region.

Any utility relocation required as a result of this development approval will be at the sole expense of the applicant/owner. Details on the access locations, grading, etc. will be finalized at the site plan stage. The site plan application must accurately indicate the location of the accesses on the east side of Upper Wentworth Street, the location of the raised concrete median island, the lane configuration and pavement striping on Upper Wentworth Street, etc. At that time it will be determined whether or not the pavement widening on Upper Wentworth Street will be extended northerly.

With respect to the preliminary plan submitted, we require 5m by 5m visibility triangles between the accesses and the Upper Wentworth Street road allowance. The maximum height of any object or mature vegetation in these triangles is not to exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Upper Wentworth Street. Any costs for any road works or roadway improvements on Upper Wentworth Street will be the sole responsibility of the applicant/owner.

Any other works within the Upper Wentworth Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-Law."

- The Social and Public Health Services Division has advised that:

  "(they) support proposals which incorporate mixed land uses, and in this case, the location within a mix of commercial and residential types ensures integration of facility residents and provides access to shopping and other services. In addition, the Upper Wentworth bus route is serviced by wheelchair accessible buses, which will further enhance the independence of nursing home residents.

  With regard to the facility itself, it is our expectation that the nursing home will be constructed in accordance with Ministry of Health guidelines for long term care facilities."

COMMENTS:

1. The proposal has merit and can be supported on the following basis:

   - It complies with the intent of the Official Plan policies which encourage:

   - Major Institutional uses to be located in Residential areas where suitable design features are included and there is compatibility with nearby uses;
   - Such proposals to include sufficient off-street parking and loading, appropriately located on the site, with buffer / landscape treatment to screen the development from surrounding uses;
   - Such uses to be of a scale compatible with development in the surrounding area, namely the adjacent street townhouses and block townhouses to the north and west; and,
   - Provision for access by the physically disabled and senior citizens.

   - The proposal serves as part of a mixed use node near the corner of Upper Wentworth and Rymal, in which higher density uses are grouped together, including townhouses, a commercial plaza, and the proposed nursing home.

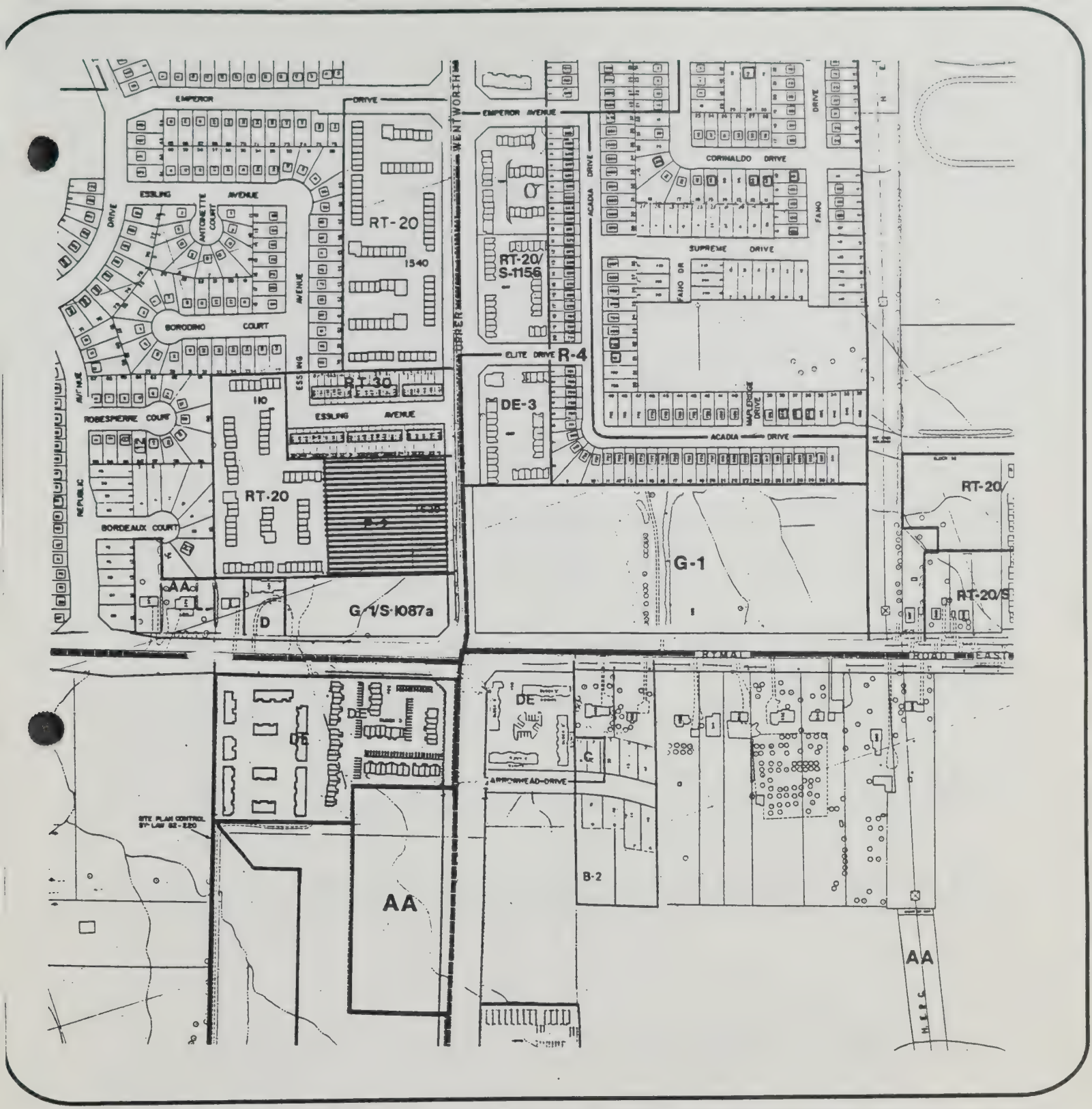
2. The proposal complies with the existing zoning by-law, and no variances have been identified based on the preliminary site plan submitted. If any minor variances are identified as a result of review and refinement of the site design, these can be dealt with at the site plan stage.

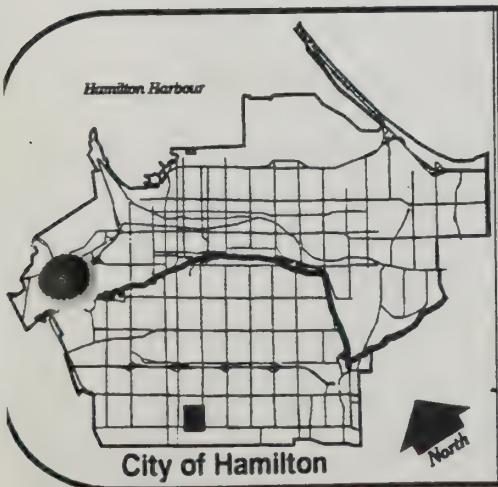
3. A site plan application will be required, which will address the details of parking, access, landscaping and other aspects of site design.

CONCLUSION:

Based on the foregoing, the application can be supported.

VG/
OPA159





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of Application

Reference file:	OPA-159
Scale	Not to Scale
Date	February,1999
Technician:	FAB
	APPENDIX A

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 April 15
4480
Ainslie Woods and Westdale Neighbourhoods

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Stella Glover Secretary
McMaster University Area Neighbourhood Task Force

SUBJECT: Final Report of the McMaster University Area Neighbourhood Task Force

RECOMMENDATION:

a) That the Planning and Development Committee authorize the McMaster University Area Neighbourhood Task Force to continue to meet as a sub-committee of the Planning and Development Committee on an interim basis until the Plan Implementation Sub-Committee is formed;

b) That the Report and Recommendations of the McMaster University Area Neighbourhood Task Force be received by the Planning and Development Committee;

c) That the Report and Recommendations of the McMaster University Area Neighbourhood Task Force be forwarded to the Plan Implementation Committee for action.

Stella Glover

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Plan Implementation Committee is proposed to be comprised of the Ward Aldermen, neighbourhood representatives, McMaster University administration, student representatives, and municipal staff as required.

BACKGROUND:

The McMaster University Area Neighbourhoods Task Force was created by action of Hamilton City Council on October 28, 1997 "for the purpose of reporting back to the Planning and Development Committee with recommendations to address the concerns of the McMaster University Area Neighbourhood."

The Task Force was comprised of the Ward 1 Aldermen, five permanent residents from the neighbourhood, two representatives of the McMaster University administration, two representatives of the McMaster Students Union and municipal staff.

The Final Report assigns jurisdiction (Province of Ontario, Region of Hamilton-Wentworth, City of Hamilton, McMaster University, McMaster Students Union and the community) and a time frame (short, medium or long-term) for the implementation of the applicable recommendations.

The work of the Task Force began in December, 1997 and culminated with a public meeting of the Task Force on April 14, 1999 (minutes and submissions attached as appendix b). The purpose of the public meeting was to present the draft recommendations to the public for review and comment. As a result of the public meeting, refinements were made to the Final Recommendations to address issues relating to the co-ordination and enforcement of municipal by-laws by the By-law Enforcement Officers and the Hamilton-Wentworth Police Department.

COMMENTS:

1. The McMaster University Area Neighbourhoods Task Force has attempted to identify and propose solutions for a variety of conflicts and problems associated with the expansion of the University and the increase in student households held by absentee landlords in the neighbourhoods surrounding the campus.

2. This Final Report contains recommendations in the following areas:

   - Regulations and Procedures:
   - Property Standards By-Law and Noise By-Law;
   - Other By-Laws, Building Code and Zoning Issues;
   - Procedures (Training, Committee of Adjustment); and
   - Parking;
   - Student Housing Options and Transportation;
   - Conflict Resolution;
   - Communications and Education;
   - Community Initiatives;
   - University and Community; and,
   - Safety and Security.

The Task Force explored options relating to economic incentives and disincentives to help preserve the quality of the residential neighbourhoods. Different options were proposed and discussed, but there was insufficient agreement on ways to proceed with these proposals. As such, they have been identified as "Future Challenges" in the Final Report for consideration at some other time.

3. In developing the final recommendations of the Task Force, the need for an effective implementation strategy was identified. The recommendations were developed as a comprehensive package that is inter-dependent in addressing all of the community concerns identified. In this regard, the Final Report recommends the creation of an implementation committee. The role of the implementation committee will be to ensure that the recommendations of the Task Force are implemented and to develop a monitoring mechanism to evaluate their effectiveness.

It is intended that, on an interim basis, the Task Force function as the plan implementation committee. In this regard, it is anticipated that the Task Force will meet on a quarterly basis to monitor the status of the recommendations and to assist in the creation of a plan implementation committee.

SG/sr
Extend-4480

McMaster University Area Neighbourhoods Task Force

Final Recommendations

May, 1999

EXECUTIVE SUMMARY

The McMaster University Area Neighbourhoods Task Force was created by action of Hamilton City Council on October 28, 1997 "for the purpose of reporting back to the Planning and Development Committee with recommendations to address the concerns of the McMaster University Area Neighbourhood." The Task Force was comprised of the Ward 1 Aldermen, five permanent residents from the neighbourhood, two representatives of the McMaster University administration, two representatives of the McMaster Students Union and municipal staff.

The Final Report assigns jurisdiction (Province of Ontario, Region of Hamilton-Wentworth, City of Hamilton, McMaster University, McMaster Students Union and the community) and a time frame (short, medium or long-term) for the implementation of the applicable recommendations. The Final Report contains recommendations in the following areas:

- *Regulations and Procedures:*
- *Property Standards By-Law and Noise By-Law;*
- *Other By-Laws, Building Code and Zoning Issues;*
- *Procedures (Training, Committee of Adjustment); and*
- *Parking;*
- *Student Housing Options and Transportation;*
- *Conflict Resolution;*
- *Communications and Education;*
- *Community Initiatives;*
- *University and Community; and,*
- *Safety and Security.*

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McMaster University Area Neighbourhoods Task Force

Final Report

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INTRODUCTION

The McMaster University Area Neighbourhoods Task Force has attempted to identify and propose solutions for a variety of conflicts and problems associated with the expansion of the University and the increase in student households held by absentee landlords in the neighbourhoods surrounding the campus.

HISTORICAL CONTEXT

In the early 1920's Westdale was established as Canada's first planned residential community. The community featured single-family dwellings in a graduated array of sizes and prices on a concentric street pattern, focused on a village-style commercial centre and circling out towards Cootes Paradise and the Royal Botanical Gardens.

In 1930 McMaster University accepted the invitation to relocate from downtown Toronto to the edge of Westdale in a large tract of as-yet-undeveloped land.

Over the decades both the residential community and the academic institution have changed and grown. New residential communities developed in what is now Ainslie Woods and West Hamilton, expanding to abut Westdale and to form with it a single, but not entirely coherent residential community extending to fill the area within the natural boundaries of Highway 403, Cootes Paradise, Dundas and the Niagara Escarpment. As the community grew tensions were felt at various times with the influx of new population groups.

At the same time, the University also expanded within the centre of this area -- its time of greatest expansion being the late 1960's and 1970's. At this time the Medical Sciences Building was constructed on land that once had been protected for and maintained by the Royal Botanical Gardens.
Also the University as a whole, successfully keeping pace with competing institutions, expanded its academic and research programs and increased its student enrolment dramatically.

The result has been a strain on the University's facilities and the community's infrastructure, as well as on the relations between the community and the University. With an increased number of students needing accommodation and limited resources on campus, students have looked to the neighbourhood for rental accommodation. In response a new group of absentee landlords has emerged, purchasing significant numbers of houses in the area and renting them as student homes.

FORMATION OF THE TASK FORCE – "RESTORING COMMUNITY"

In 1997, residents of the University Area Neighbourhoods met to "discuss community concerns and to propose actions ... for the protection, preservation and remediation of our neighbourhoods (Westdale and Ainslie Woods)"[1]. For the permanent resident population, the expansion of McMaster

[1] Source: University Area Community Manifesto, Page 1.

University and the concentration of student households in selected areas of the Westdale and Ainslie Woods Neighbourhoods created a sense of "community within the community" resulting in a "student/resident" conflict[2].

In an effort to seek solutions to the neighbourhood concerns, a series of neighbourhood based meetings comprised of permanent residents, students, University and Students Union officials and landlords were held throughout the spring and summer of 1997. These meetings were held under the theme of "Restoring Community" and identified the concerns of the residents, students and McMaster University. In addition to the aforementioned issues identified by the permanent residents, student concerns associated with finding suitable accommodation and problems with irresponsible landlords were identified. Furthermore, McMaster University presented concerns regarding the effect of limited resources on the University's ability to service its own community and to keep pace with other institutions in a competitive field.

The neighbourhood meetings resulted in the drafting of a Community Manifesto. The Community Manifesto documents the following areas of concern:

- increased population density throughout the community and anti-social behaviour on the part of some students;
- the perception among permanent residents that municipal Zoning By-laws and other regulations were not been effectively enforced;
- housing standards not being met or being breached by absentee landlords;
- safety concerns (fire and health) from overcrowded student housing;
- deteriorating physical appearance and condition of the neighbourhood; and
- housing values being depressed and absentee landlords outbidding potential permanent residents for houses on the market.

The Community Manifesto was presented to the Planning and Development Committee in October 1997 (a copy of the Community Manifesto is attached as APPENDIX "A").

TASK FORCE MANDATE AND MEMBERSHIP

The McMaster University Area Neighbourhoods Task Force was created by action of Hamilton City Council on October 28, 1997 "for the purpose of reporting back to the Planning and Development Committee with recommendations to address the concerns of the McMaster University Area

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[2] Physical, social and economic concerns have been identified as a common phenomenon for "university towns" due to the presence of a large and visible student population within a residential neighbourhood (Kenyon, Elizabeth, L. *"Seasonal sub-communities: the impact of student households on residential communities"*, British Journal of Sociology, Vol. 48, June 1997, pg 286-301). For the permanent resident population around McMaster University, McMaster University Students are characterized as being a "community within a community". The "McMaster University Student community" is viewed as being a highly mobile, transient and unintegrated subgroup within the neighbourhood who are at a different life-cycle stage from the permanent residents and have a life-style that is in contrast to the permanent residents. This can create tension between the two communities.

Neighbourhood."

The Task Force was to be comprised of (with names of members listed below each category):

- both Ward 1 Aldermen
- (Mary Kiss; Marvin Caplan);
- four permanent residents from the neighbourhood
- (Irwin Feuerstein; Rick Grigg; Stephanie Michelle; Ron Whyte; Brian Shantz [alt.]);
- two representatives of the McMaster University administration
- (Brian Donst, Student Affairs; Andrea Farquhar, Public Relations);
- two representatives of the McMaster Students Union
- (Burke Christian, V.P., External Affairs; Fayez Quereshy, President);
- four City of Hamilton administrators
- (Frank Biancucci, Fire Department; Peter Lampman, Building Department; Steve
- Robichaud, Planning Department; Ron Sabo, Law Department);
- a representative from the Chief Administrator's Office, Hamilton-Wentworth Region
- (Raffaella Candiotto/Maureen O. Wilson, Regional Chief Administrative Office); and
- a Task Force Chair
- (Barry Bender, neighbourhood resident).

The Task Force was also served by Stella Glover as secretary.

TASK FORCE PROCESS

The Task Force had its first meeting on December 19, 1997. A guiding question was identified:

"What will the McMaster University Area Neighbourhoods look like in five years if this Task Force is successful?"

Over several months the Task Force met bi-weekly in plenary to develop a comprehensive list of ideas and issues. The Task Force then grouped the ideas and issues according to the following list of themes or areas:

- Regulations and Procedures:
- Property Standards By-Law and Noise By-Law;
- Other By-Laws, Building Code and Zoning Issues;
- Procedures (Training, Committee of Adjustment); and
- Parking;
- Student Housing Options and Transportation;
- Conflict Resolution;
- Communications and Education;
- Community Initiatives;
- University and Community;
- Economic Initiatives; and,
- Safety and Security.

As the Task Force worked through these eight areas (in plenary, in sub-committees, and again in plenary) staff from various City and Regional Departments as well as from the University were called on at different times to provide background information and to advise of other initiatives and/or policies. Other municipalities that have had experience of dealing with some of the same issues were also contacted to learn from their experience.

TASK FORCE REPORT – NEXT STEPS

This Report, composed and approved by the Task Force, contains recommendations in each of the areas mentioned above, with the exception of "Economic Initiatives". Economic incentives and disincentives to help preserve the quality of the residential neighbourhoods were proposed and discussed, but with insufficient agreement on ways to proceed these proposals have been left as "Future Challenges" for consideration at some other time.

The recommendations contained in this Report are but a beginning; hard work and perseverance are now required to move the process forward. The Report provides a foundation for communication and co-operative effort by the variety of members and stakeholders in the McMaster University Area Neighbourhoods, towards the shared goal of restoring, protecting and enhancing the community and neighbourhoods of the area.

In developing the final recommendations of the Task Force, the need for an effective implementation strategy was identified. The recommendations were developed as a comprehensive package that is inter-dependent in addressing all of the community concerns identified. In this regard, the report recommends the creation of an implementation committee. The role of the implementation committee will be to ensure that the recommendations of the Task Force are implemented and to develop a monitoring mechanism to evaluate their effectiveness.

A Note to the Reader

In addition to assigning ownership of the recommendations to the relevant group (i.e. City of Hamilton, McMaster University), a time frame for the implementation of the recommendation has also been identified (short 0-6 months, medium 6 – 12 months, long +12 months). Several of the recommendations are marked with an asterix (*) indicating that additional information can be found in the Commentary and Technical Analysis section of the report. The commentary is intended to clarify the direction of a specific recommendation or highlight concerns associated with existing by-laws, regulations and procedures.





University Area and Surrounding Neighbourhoods

RECOMMENDATIONS

1.0 Property Standards and Noise By-laws

Rationale

The high-density student occupancy of single family dwellings in the community is directly associated with deteriorating property standards and increased noise violations. The majority of the student occupied homes have absentee landlords who often assume little responsibility for property standards and noise violations. Enforcement of property standards and noise regulations is on a complaint only basis with the goal of gaining compliance.

Recommendation 1.1:

Change the overall approach to bylaw enforcement of the Clearing of Land in Unkempt Condition Bylaw, noise and parking violations, including front and back yard parking, to the increased imposition of fines as well as the policy of gaining compliance.

Ownership: City and Region **Timeframe:** Short

Recommendation 1.2:

Proactive property standards enforcement – full proactive enforcement is the desired option, but, if not feasible, time specific proactive enforcement to include the months of September and May is a second best alternative.

Ownership: City **Timeframe:** Short

Recommendation 1.3:

Include additions to property standards bylaw that arise from specific student housing concerns(e.g. garbage and blue boxes stored at the front of house, garbage placed in blue boxes, BBQs at front of house, and, couches on front lawns).

Ownership: City **Timeframe:** Short

Recommendation 1.4:

Attach a $100 administration fee to repeat orders to comply for property standards violations. Include an explanation of the administration fee in the first order to comply.

Ownership: City **Timeframe:** Short

Recommendation 1.5:

Increase noise bylaw enforcement – 3 officers for specific times to include the month of September, homecoming weekends and May. Working 24-hour shifts to include weekends.

Ownership: City **Timeframe:** Short

Recommendation 1.6:

Examine legislative approaches to make landlords legally responsible for the noise created by their tenants and be subject to appropriate penalties.

Ownership: City and Province **Timeframe:** Long

2.0 Other Zoning By-laws, Building Code and Zoning Issues (Monster Homes)

Rationale

Monster homes accelerate the density of student occupancy and threaten the viability of single family neighbourhoods.

Residential development within the Ainslie Woods Neighbourhoods and the Westdale Neighbourhoods are subject to the special zoning provisions in the "monster home" by-laws which limit the total gross floor area to 45% of the lot and a maximum building height of 9.0 m. The purpose of these regulations is to ensure that the height, bulk and size of new construction (including additions) is compatible with the existing housing stock.

However, there is a concern that there are several "loopholes" in the Zoning By-law that have allowed incompatible new construction/conversions to occur. In addition, the By-laws have been in effect for approximately 4 years and should be reviewed to determine their effectiveness in addressing the "monster house" phenomenon

Recommendation 2.1*:

That the City of Hamilton revise the zoning regulations for the Westdale and Ainslie Woods Neighbourhoods to utilize a variable floor area ratio (far) without diminishing the effect of the current zoning by-law regulations.

Ownership: City and Community **Timeframe:** Medium

Recommendation 2.2:

Crawl space, which exceeds 1.2 metres (4 feet) in height, shall be included into the GFA calculation.

Ownership: City **Timeframe:** Short

Recommendation 2.3*:

That the City to be asked to encourage the Province of Ontario to speed up the process of development permits and codes.

Ownership: City and Province **Timeframe:** Short

Recommendation 2.4*:

That the City implement a development permit system in conjunction with revised neighbourhood plans once development permits are finalized by the province.

Ownership: City **Timeframe:** Long

3.0 Other Zoning By-laws, Building Code and Zoning Issues (Student Lodging Houses)

Rationale

The reduction of a high density of students in single family dwellings and the number of student occupied homes in each neighbourhood is a cornerstone to the restoration of balanced, well integrated neighbourhoods.

Recommendation 3.1*:

Study, with full community consultation, the pros and cons of licensing student occupied homes as lodging homes with clear density requirements for number of homes in a neighbourhood and number of lodgers in a home. Special attention to be given to the enforceability of licensing. Without the capability to enforce licensing, the result of having both legal lodging homes and non-licensed homes is unacceptable.

Ownership:	City	Timeframe:	Long

Recommendation 3.2:

The City examine the feasibility and legality of adopting the definition of "family" used by City of Victoria, BC for use in Zoning By-law #6593; and,

Request the legal department to communicate with their counterparts in other Ontario university communities with a view to combining resources to pursue a test case through the courts.

Ownership:	City, Province & Community	Timeframe:	Medium

4.0 Parking

Rationale

Over intensification of cars associated with rapid growth of the university and high density student occupancy in the community is associated with significant parking and traffic problems

Recommendation 4.1*:

That the City of Hamilton revise the zoning regulations for the Westdale and Ainslie Woods Neighbourhoods to establish a maximum parking area ratio for single detached dwellings.

Ownership:	City & Community	**Timeframe:**	Medium

Recommendation 4.2*:

That the City of Hamilton revise the zoning regulations for the Westdale and Ainslie Woods Neighbourhoods to establish a general prohibition on parking within the required 50% front yard landscaping areas for single detached dwellings.

(NOTE: Proposed by-law is to be circulated to neighbourhood groups prior to approval by Council.)

Ownership:	City & Community	**Timeframe:**	Medium

Recommendation 4.3:

To develop a single point of contact for all parking complaints and to provide access to parking enforcement 24 hrs/day.

Ownership:	City & Region	**Timeframe:**	Short

5.0 Procedures

Rationale

Bylaw enforcement at times appears inaccessible and uncoordinated. This contributes to unresponsive and ineffective enforcement.

Recommendation 5.1:

Improve the interface between the police department and noise bylaw officers. Police logged noise complaints to be forwarded to noise bylaw officers for follow-up. Records of complaints to be active for 2 years.

Ownership:	City & Region	Timeframe:	Short

Recommendation 5.2:

Streamline the bylaw enforcement and police response process by:

1. *the development of a single access point;*
2. *the introduction of an up-to-date system for tracking complaints;*
3. *providing feedback to the complainant in a timely manner; and,*
4. *requesting the Police to provide an information package to residents on Police procedures and key contacts to request Police action.*

Ownership:	City & Region	Timeframe:	Medium

Recommendation 5.3:

Improve the efficiency of the collection of unpaid fines for parking, property standards and noise violations.

Ownership:	City	Timeframe:	Medium

Recommendation 5.4*:

Institute for approved building permits, a 6 to 12 month follow-up inspection following building occupancy.

Ownership:	City	Timeframe:	Short

Recommendation 5.5*:

Request the Planning Department in conjunction with the community to develop area specific design guidelines (to maintain neighbourhood infill character) for evaluating Committee of Adjustment applications including the examination of criteria for minor variances.

Ownership:	City	Timeframe:	Short

Recommendation 5.6*:

Implement in Hamilton a pre-consulting, non-mandatory mediation process such as the current Toronto Mediation Services Pilot Project for applications to the Committee of Adjustment.

Ownership:	City, Province & Community	Timeframe:	Medium

6.0 Housing and Transportation – University Residences

Rationale

It is important that McMaster continues to provide adequate housing for students on campus. This is particularly important if student enrolment increases. If it is deemed that on-campus housing is not a viable endeavour, the University should explore off-campus options for student housing.

Recommendation 6.1:

McMaster University provide additional on-campus housing. This initiative shall include exploring partnerships with private developers, funding from government agencies, and a specific capital campaign.

Ownership:	McMaster	**Timeframe:**	Medium

Recommendation 6.2:

McMaster University, MSU, the City of Hamilton, and local residents encourage the provincial government to provide increased funding for on-campus student housing.

Ownership:	City, McMaster, MSU & Community	**Timeframe:**	Medium

Recommendation 6.3*:

McMaster University and the MSU in consultation with the community should investigate providing affordable off-campus housing in partnership with private developers and government agencies.

Ownership:	City, McMaster, MSU & Community	**Timeframe:**	Medium

7.0 Housing and Transportation – Off-Campus Housing

Rationale

McMaster's Off-Campus Housing Office (OCHO) is often the first point of contact for students seeking off-campus accommodation. The office is an important resource for students, not only for rental listings, but also for information on finding safe, well-maintained and affordable accommodation.

Recommendation 7.1:

OCHO should implement and promote a program that encourages landlords to obtain inspection certificates from the City of Hamilton (including property standards and fire). These inspections to be done at no charge for a trial period no greater than one year. Those who receive the certificate should receive a special rating.

Ownership:	City, McMaster & MSU	**Timeframe:**	Short

Recommendation 7.2:

OCHO should promote to students its existing student housing survey and the availability of survey results.

Ownership:	McMaster, MSU & Community	**Timeframe:**	Short

Recommendation 7.3:

OCHO create a short checklist for students looking for rental accommodation. It could include parking, number of people living in the house, etc.

Ownership:	McMaster & MSU	**Timeframe:**	Ongoing

Recommendation 7.4:

OCHO distribute a Good Neighbour Guide and other materials pertaining to student behaviour.

Ownership:	McMaster & MSU	**Timeframe:**	Ongoing

8.0 Housing and Transportation – Public Transit

Rationale

Since September 1997 full-time undergraduate students at McMaster have received a yearlong HSR bus pass for the regular cost of one month's bus pass ($56). Public transportation is not only beneficial to the environment but it also assists students and helps to promote student housing in areas outside of the University core. Other forms of transportation including cycling are important options for students. In addition the entire community benefits from the increased use of public transportation and bicycle use.

Recommendation 8.1:

The HSR in conjunction with the McMaster Students Union continue the existing bus pass program on a long-term basis.

Ownership:	Region & MSU	**Timeframe:**	Long

Recommendation 8.2:

The HSR and McMaster University should also consider expanding the bus pass program to include part-time and graduate students, as well as faculty and staff.

Ownership:	Region & McMaster	**Timeframe:**	Medium

Recommendation 8.3:

City of Hamilton and the Region of Hamilton-Wentworth continue to promote the use of bicycles as an alternative mode of transportation.

Ownership:	City & Region	**Timeframe:**	Ongoing

Recommendation 8.4:

Existing bike path information should be promoted on campus through OCHO and the Society of Off-Campus Students (SOCS).

Ownership:	McMaster & MSU	**Timeframe:**	Short

Recommendation 8.5:

City of Hamilton and the Region of Hamilton-Wentworth consider providing additional bike paths leading to McMaster University from outside the University core.

Ownership:	City & Region	**Timeframe:**	Long

9.0 Conflict Resolution

Rationale

Conflict is a natural occurrence in all neighbourhoods. The number of rental homes, absentee landlords, and university students in West Hamilton neighbourhoods, however, has led to an increased number of confrontations. McMaster University is currently able to provide a limited amount of neighbourhood mediation through the Office of Student Affairs. The Task Force believes a wider range of mediation and conflict resolution services should be available. A full-time employee would be better able to develop relationships with both permanent residents and students and would help to create a stronger feeling of trust and respect within the community

Recommendation 9.1:

McMaster University take the lead in expanding the resources available for community mediation with the University of Western Ontario programme as a suggested model and that whatever model is proposed include the following two recommendations:

- *The Mediator issue regular reports to the community through PACCR, neighbourhood associations and Ward 1 Aldermen; and,*
- *A Community Hot line be established within the mediation office.*

Ownership: City, McMaster & MSU **Timeframe:** Medium

10.0 Communications and Education – Community Standards and Expectations

Rationale

It is vitally important that McMaster University students receive accurate and consistent messages about living in the community. These include their rights and responsibilities under the Landlord and Tenant Act, fire safety, noise by-law, parking by-laws, property standards, and community standards of behaviour.

These messages are currently delivered in a variety of ways: Off-Campus Housing Office Handbook; President's Advisory Committee on Community Relations (PACCR) Community Reports; MSU articles in the Silhouette; Living in the Community sessions delivered to students during Welcome Day and to residence students in January.

Landlords who own student homes in West Hamilton are key to positive relations within the community. They too must be informed of property and community standards. The Off-Campus Housing Office has regular contact with many of these landlords.

Recommendation 10.1:

McMaster and the MSU provide clear leadership with regard to community standards and expectations and continue to publish and develop communication tools for students.

Ownership:	McMaster & MSU	**Timeframe:**	Short

Recommendation 10.2:

McMaster and the MSU in consultation with the City, Region, and other groups review these educational resources so that the various groups and offices that produce the documents work in a co-ordinated manner.

Ownership:	McMaster & MSU	**Timeframe:**	Short

Recommendation 10.3:

OCHO clearly remind landlords in all correspondence that they must maintain their properties.

Ownership:	McMaster	**Timeframe:**	Short

Recommendation 10.4

OCHO, in partnership with the City of Hamilton, develop a brochure for landlords on responsibilities, parking regulations, property standards.

Ownership:	City & McMaster	**Timeframe:**	Short

11.0 Communications and Education – University Communications

Rationale

McMaster University is a dominant feature of West Hamilton. When the campus changes, the community can be impacted by increased traffic, new bus routes or schedules, additional parking, new buildings and increased noise. The community also has a different perspective of the University and is interested in maintaining a pleasing view of the campus.

Recommendation 11.1:

McMaster to develop a more consistent approach to consultation with the community before final decisions are made to construct additional buildings, change entrances, significantly alter the campus – such consultation should be well advertised throughout the community.

Ownership:	McMaster	**Timeframe:**	Short

Recommendation 11.2:

McMaster to consider community impact of any campus changes in the earliest stages of planning.

Ownership:	McMaster	**Timeframe:**	Ongoing

Recommendation 11.3:

McMaster to continue to keep the community informed about campus activities through the Community Report and the Annual Community Meeting (sponsored by PACCR).

Ownership:	McMaster	**Timeframe:**	Ongoing

Recommendation 11.4:

McMaster to continue to develop new methods to communicate the University's plans to the community.

Ownership:	McMaster	**Timeframe:**	Ongoing

12.0 Communications and Education – Town and Gown Experiences

Rationale

While community concerns about McMaster University are unique to West Hamilton, they are not unique to other Ontario cities which are home to a university. It is important that all groups concerned with student housing issues keep abreast of new legislative developments and community developments and trends.

Recommendation 12.1*:

The City of Hamilton continue discussion with other Ontario university cities to better enable city staff to keep up to date with developments and solutions in other regions and communicate results to stakeholder groups.

Ownership:	City	**Timeframe:**	Medium

Recommendation 12.2:

City of Hamilton Planning and Building Officials to meet twice each year with members of the President's Advisory Committee on Community Relations to assess current conditions and discuss new developments.

Ownership:	City, Region & McMaster	**Timeframe:**	Short

13.0 Communications and Education – Noise and Safety Concerns

Rationale

The community encourages any efforts to remind people that noise levels should be kept at appropriate levels. In addition, high volume pedestrian walkways to and from the University campus into the community are associated with noise and nuisance behaviour.

Recommendation 13.1:

That a Sub-Committee of the Transport and Environment Committee be formed to deal with the design and implementation of signage with the varying area constituents represented.

Ownership:	McMaster, MSU & Community	**Timeframe:**	Medium

Recommendations 13.2:

Hamilton City Council approve the installation of signs within West Hamilton communities to promote quiet neighbourhoods and that McMaster install similar signs near campus exits.

Ownership:	City & McMaster	**Timeframe:**	Medium

Recommendation 13.3*:

City Council to consider the difficulties of noise and safety concerns of Sanders Blvd./Cootes Dr. and take action to alleviate problems including consideration of stopping up and closing Sanders Blvd. to Cootes Dr. and installing noise attenuation barriers.

Ownership:	City, Region & Community	**Timeframe:**	Medium

14.0 Community Initiatives – Community Forum

Rationale

The University Neighbourhood Task Force recognizes and confirms the value of maintaining a structure for ongoing dialogue among constituent groups within the community.

Recommendation 14.1:

The formation of a Community Forum to promote an integrated, balanced, and cohesive community with greater harmony and sense of neighbourhood amongst all stakeholder groups and individuals.

The Community Forum be representative of all stakeholders involved in and interested in the University/Ainslie Wood/Westdale area.

Ownership:	Community	**Timeframe:**	Medium

Recommendation 14.2:

Hamilton City Council provide the necessary staff and support to help ensure the Community Forum's success.

Ownership:	City	**Timeframe:**	Short

15.0 Community Initiatives – Plan Implementation

Rationale

Task Force members are anxious to ensure that the final recommendations are acted upon by the required constituency. Monitoring of the Task Force Recommendations will instil confidence that all parties involved in the Task Force are committed to improving the community.

Recommendation 15.1:

Hamilton City Council establish a Plan Implementation Committee as a sub-committee of Planning & Development to monitor implementation of the Task Force Recommendations.

Ownership:	City	**Timeframe:**	Short

Recommendation 15.2:

That City Council authorize the Task Force to continue to meet on an interim basis as the Plan Implementation Committee.

Ownership:	City	**Timeframe:**	Short

16.0 The University and the Community – Community Outreach

Rationale

Strong ties between McMaster and the community benefit neighbours, students and the University.

Recommendation 16.1

McMaster continue to build stronger ties with the community through community outreach. McMaster outreach to include: study of neighbourhood issues by students and professors; development of an annual community service award for a McMaster faculty or staff member or student; organization of a neighbourhood cleanup day by faculty and students associations; increased publicity for on campus cultural and sports events which are open to the public.

Ownership:	McMaster, MSU & Community	**Timeframe:**	Ongoing

Recommendation 16.2

McMaster to ensure that its community initiatives are communicated to the community.

Ownership:	McMaster & Community	**Timeframe:**	Ongoing

17.0 The University and the Community – Planning for the "Double Cohort" (2003)

Rationale

Because of changes to Ontario's secondary school system, a double cohort of first year university students will be eligible for university in the fall of 2003. As well, changes in Ontario's student demographics may have an impact on enrolment. This potential increase in student population raises many community concerns: increased rate of conversion of West Hamilton homes to student rental accommodation; proliferation of unsafe and unkempt rental properties; increased traffic around the University; shortage of parking facilities, etc.

Recommendation 17.1*:

McMaster's planning for the double cohort or any increase in student enrolment include consideration of the community impact of increased student enrolment.

Ownership: McMaster **Timeframe:** Ongoing

Recommendation 17.2:

Community be kept informed of double cohort decisions that will increase student population.

Ownership: McMaster **Timeframe:** Ongoing

Recommendation 17.3:

In conjunction with a decision to increase student enrollment, McMaster University take a proactive position with respect to provision of housing; new enrollment should be linked to new housing options. A variety of possibilities should be considered including new residence construction on-campus and arrangements with contractors for apartment or residence opportunities off-campus. As well, McMaster should consider initiating satellite campuses that may or may not include student residences. The integrity of the residential areas surrounding the University (the Ainslie Woods and Westdale Neighbourhoods) must be protected when considering further housing of new students.

Care must be taken to protect students from expensive, sub-standard housing which they may be forced into as a result of a large influx of new students without proper planning for accommodation.

Ownership: McMaster **Timeframe:** Ongoing

18.0 The University and the Community – Community Expectations and Neighbourhoods

Rationale

It is important that students understand expected standards of behaviour.

Recommendation 18.1:

McMaster give priority to developing and initiating methods of integrating the students into the community with respect to community expectations including summary of relevant bylaws. Communications methods could include:

a) Confirmation package;
b) Messages from the President; and,
c) Student residences – information sessions/materials.

Ownership: McMaster **Timeframe:** Short

Recommendation 18.2:

McMaster Student Union give priority to developing and initiating methods of integrating the students into the community and apprising of community expectations. Communications methods could include:

(a) Advertisements in Silhouette;
(b) Student residences information sessions/materials; and,
(c) Direct communications with students and specific student groups (as in orientation sessions).

Ownership: MSU **Timeframe:** Short

19.0 The University and the Community – Landlord Responsibilities

Rationale

The Off-Campus Housing Office is a key link between McMaster students and neighbourhood landlords. It is also an important vehicle for educating landlords on their responsibility to provide safe and proper accommodation for students

Recommendation 19.1:

OCHO maintain adequate staffing to provide full information to students and landlords.

Ownership:	McMaster & MSU	**Timeframe:**	Medium

Recommendation 19.2:

OCHO expand rental listing to include information on the quality of life within the home, e.g. number of people who will live in the home and the number of parking spaces.

Ownership:	McMaster & MSU	**Timeframe:**	Short

Recommendation 19.3:

OCHO, MSU, and McMaster University Administration (in particular, the Physical Plant and Security Departments) should continue to control the proliferation of illegal housing advertisements on campus.

Ownership:	McMaster & MSU	**Timeframe:**	Ongoing

20.0 The University and the Community – Campus Planning

Rationale

The McMaster University Campus Plan was last revised in 1992. The community should be a key consideration when any University decisions are made that will substantially change the campus or will impact nearby neighbourhoods through noise, traffic, or alteration to use of perimeter lands.

Recommendation 20.1*:

McMaster to initiate an update to its 1992 Master Plan in consultation with the community in the preparation of the terms of reference for the review of the Master Plan.

Ownership:	McMaster	**Timeframe:**	Short

Recommendation 20.2:

Revised Master Plan should be available to the community.

Ownership:	McMaster	**Timeframe:**	Long

21.0 Safety and Security

Rationale

Students living in off-campus accommodation need to be aware of the importance of fire safety.

Recommendation 21.1:

Hamilton Fire Department provide an annual information fire safety session for residence students who plan to move off campus. This session should be held in January of each year in conjunction with the information sessions provided by the Office of Student Affairs.

Ownership:	City & McMaster	Timeframe:	Short

Recommendation 21.2:

OCHO ensure that information on fire safety is provided with off-campus housing packages.

Ownership:	McMaster & MSU	Timeframe:	Short

Recommendation 21.3:

Hamilton Fire Department continue proactive inspection of student homes.

Ownership:	City	Timeframe:	Ongoing

Future Challenges

The following recommendations were identified by the Task Force as requiring further investigation and consultation with the community. As such, Future Challenge 1.1, 1.2 and 1.3 have been identified as requiring further analysis and review by the plan implementation committee.

1.0 Future Challenges - Economic Incentives

Rationale

Economic incentives could be a valuable tool to promote the creation of safe and affordable student housing. However, they often require co-operation between various levels of government and must be carefully examined for unintended consequences before implementation.

Future Challenge 1.1:

The City of Hamilton consider designating the commercial areas along the major arterial roads in the Westdale and Ainslie Woods Neighbourhoods as Community Improvement Area in order to offer economic incentives for development of commercial/housing incentives.

Ownership:	N/A	**Timeframe:**	N/A

Future Challenge 1.2:

The City of Hamilton request that the Province of Ontario change the present Current Value Assessment ratio to include the revenue generated by a home as part of the total Current Value Assessment for the home.

Ownership:	N/A	**Timeframe:**	N/A

Future Challenge 1.3:

The City Of Hamilton request that the Province of Ontario accord special status to municipalities with universities or colleges to allow for the rental income to be included as part of Current Value Assessment.

Ownership:	N/A	**Timeframe:**	N/A

Commentary and Technical Analysis

Background

In developing the final set of recommendations of the McMaster University Area Neighbourhoods Task Force, it was recognized by the members that additional background information was required for several of the recommendations. This information, or commentary, is intended to clarify the direction of a recommendation or highlight specific concerns associated with existing by-laws, regulations and procedures.

This section is intended to provide a commentary and technical analysis of the applicable recommendations, and by doing so, provide future direction to the various stakeholders responsible for the implementation of the final set of recommendations of the Task Force.

Recommendation 2.1

Recommendation:

That the City of Hamilton revise the zoning regulations for the Westdale and Ainslie Woods Neighbourhoods to utilize a variable floor area ratio (far) without diminishing the effect of the current zoning by-law regulations.

Commentary:

The existing by-laws employ a fixed floor area ratio of 0.45 times the lot area. There is a concern that a fixed floor area ratio may not be appropriate for dealing with large lots. For example, whereas a 162 m^2 (1,750 sq.ft.) dwelling on a 360 m^2 lot (4,000 sq.ft.) is in keeping with the established residential character of the Ainslie Woods and Westdale Neighbourhoods, a 324 m^2 (3,500 sq.ft.) on a 720 m^2 lot (8,000 sq.ft.) would be uncharacteristic of the Westdale and Ainslie Woods Neighbourhoods.

An alternative to the existing fixed floor area ratio of 0.45 is to amend the "monster home" by-laws to provide for a variable floor area ratio. A variable floor area ratio (FAR) precludes overbuilding in that the maximum permitted FAR is inversely proportional to lot size (i.e. as residential lot areas increase in size, the FAR decreases).

The adoption of a variable ratio FAR would provide an effective means to address the bulk control of infill housing and regulate the sub-standard and oversized residential lots within the Ainslie Woods and Westdale Neighbourhoods. A variable ratio FAR would allow for the gradual, non-excessive increase in the building volume to ensure that new development is compatible with the existing residential building stock.

Recommendations 2.3 and 2.4

Recommendation:

That the City be asked to encourage the Province of Ontario to speed up the process of development permits and codes.

That the City implement a development permit process in conjunction with revised neighbourhood plans once the development permit system are finalized by the Province of Ontario.

Commentary:

A development permit is a municipal planning approval which allows a proposed development to proceed. The proposed development permit system is intended to be a flexible planning tool which combines zoning and site plan control into one process. A development permit process provides for a blend of zoning, site plan control and minor variances, or another combination that is tailored specifically to the City of Hamilton's needs.

A development permit system provides for flexibility to accommodate desirable development, while still providing sufficient certainty regarding permitted uses. The official plan and development permit bylaw would govern the range of flexibility allowed in issuing a development permit.

The development permit system establishes a list of uses, with accompanying provisions, that are permitted without a development permit. These would be similar to the uses and provisions found in any zoning bylaw passed under Section 34 of the Planning Act (e.g., a single detached dwelling). In addition, there would be a list of uses, with accompanying provisions, that are permitted subject to a development permit which will address matters such as those which are now addressed through the Site Plan Control process (e.g., lighting, parking, conceptual design and landscaping).

Recommendation 3.1

Recommendation:

Study with full community consultation, the pros and cons of licensing student occupied homes as lodging homes with clear density requirements for number of homes in a neighbourhood and number of lodgers in a home. Special attention to be given to the enforceability of licensing. Without the capability to enforce licensing, the result of having both legal lodging homes and non-licensed homes is unacceptable.

Commentary:

The creation and on-going operation of *"student lodging houses/illegal lodging houses"*[1] in the Ainslie Woods and Westdale Neighbourhoods have been associated with numerous problems. In the City of Hamilton, a "lodging house" is defined as being: "a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and/or kitchen facilities for the exclusive use of the occupants". A lodging house is not a permitted use in the "C" District zoning regulations which is the predominate residential zoning category for the neighbourhoods around McMaster University.

One means used to regulate *"illegal lodging houses"* in other municipalities has been to legalize them in the zoning by-law and encourage property owners to come forward and obtain all of the necessary municipal approvals. The City of Guelph has recently undertaken a similar exercise whereby the existing lodging houses were permitted, subject to a minimum radial distance separation requirement. This was done to encourage property owners to apply for the necessary approvals. The City of Guelph is currently evaluating the effectiveness of this approach.

Due to health and fire safety concerns associated with *"illegal lodging houses"*, and in an effort to minimze nuisance-related problems, it has been suggested that the City of Hamilton should develop and implement a programme to permit "student lodging houses" within the Ainslie Woods and Westdale Neighbourhoods. This is because the status quo, which is the on-going existence of *"illegal lodging houses"*, is not seen as an acceptable option within these neighbourhoods. The presence of *"illegal lodging houses"* has raised community concerns regarding decreased property values and the loss of enjoyment of their properties.

There are concerns related to the development and implementation of a "student lodging house" programme. These concerns relate to, but are not limited to the following:

- Decreased property values;
- Increased concentration of student housing within residential neighbourhoods in that there will now be both *"illegal lodging houses"* and legal "student lodging houses";
- Change in occupancy – could the lodging house be used by non-students?; and,
- Neighbourhood destabilization as dwellings, formerly used as single family dwellings, are converted to lodging houses.

In addition, there is a concern that a "student lodging house" programme will result in the Ainslie Woods and Westdale Neighbourhoods becoming a "student ghetto". As such, the investigation

[1] The term "illegal lodging house" is often applied by the general public to any dwelling used for off-campus student housing, and in particular, to properties which may have associated nuisance problems (e.g. front yard parking, unkempt lawns). The occupancy of a dwelling by a group of students does not mean that the dwelling becomes a lodging house. In addition, where a lodging house or multiple dwelling may be a prohibited land use under Zoning regulations, the municipality may lack the ability to determine or prove that a contravention of the law has occurred.

into the feasibility and practicality of proceeding with this approach should be studied in conjunction with the community to determine if this is an appropriate response to the existing situation.

Recommendations 4.1 and 4.2

Recommendation:

That the City of Hamilton revise the zoning regulations for the Westdale and Ainslie Woods Neighbourhoods to establish a maximum parking area ratio for single detached dwellings; and,

That the City of Hamilton revise the zoning regulations for the Westdale and Ainslie Woods Neighbourhoods to establish a general prohibition on parking within the required 50% front yard landscaping areas for single detached dwellings.

Commentary:

Car ownership is a fact of modern day life. The existing zoning regulations attempts to balance the requirements for on-site parking with the need to maintain landscaped areas. The City of Hamilton has undertaken several revisions to the zoning by-law to ensure that adequate on-site parking is provided and that the requirement for parking does not eliminate landscaped areas in an effort to maintain the residential streetscape. However, the existing parking regulations have been identified by the Task Force as not working.

In those situations where there is multiple car ownership, there is either a demand for on-street parking and or to increase the proportion of the lot area utilized for vehicular movement and storage. There have been incidences of the entire backyard being converted to a parking area, without appropriate buffer areas, which has an effect on the abutting property owners enjoyment of their rear yards. The conversion of single detached dwellings into short-term rental accommodation (i.e. student housing) can result in either an increased demand for on-street parking or alternatively the utilization of the side yard and rear yard for a "private parking lot". Whereas the Zoning By-law generally requires that 2 parking spaces be provided on site, there is often demand to provide parking for a third or fourth vehicle. These additional parking spaces are considered to be unrequired parking spaces and, when provided in either the side yard or rear yard, are not regulated by the Zoning By-law.

In addition to affecting the use of the rear yard on which the parking is provided, the abutting properties can also be effected. There have been strong concerns raised by the public regarding the entire rear yard being used for parking. The use of the rear yard for parking a large number of cars is not consistent with the general assumption that the rear yard is to be utilized as an outdoor amenity area in low density residential areas. Concerns relate to the loss of green space, impacts of noise and headlight glare and negative visual impacts.

Five options were explored by the Task Force to address on-site parking issues. The options considered were:

- no change;
- establish a maximum number of permitted vehicles per lot regulation;
- establish a minimum landscaped area for the entire lot;
- establish a maximum parking area lot coverage ratio; or,
- prohibit parking in the rear yard.

After discussing the options, it was agreed that a maximum parking area ratio should be incorporated into the zoning by-law.

In addition, although the Zoning By-law requires a minimum front yard landscaping area of 50%, the Zoning By-law does not prevent the parking of vehicles within the front yard landscape area. As such, the Zoning By-law should be revised to provide for the prohibition of parking within the 50% landscaped area.

Recommendation 5.4

Recommendation:

Institute for approved building permits, a 6 to 12 month follow-up inspection following building occupancy.

Commentary:

The inspection requested in the recommendation is in addition to the required inspections under the OBC. Implementing this recommendation will enable Building Inspectors to witness the use of the building after occupancy thereby obtaining compliance with zoning by-law regulations.

Recommendation 5.5

Recommendation:

Request the Planning Department in conjunction with the community to develop area specific design Guidelines (to maintain neighbourhood character) for evaluating Committee of Adjustment applications including the examination of criteria for minor variances.

Commentary:

Under the provisions of the Planning Act, a landowner may apply for a minor variance to the zoning regulations in those situations where it is not feasible to comply with the zoning by-law. The experience of many residents has been that the Committee of Adjustment creates an adversarial forum when the neighbourhood is strongly opposed to a proposed development.

Where variances to the zoning by-law are required, the City should have some general design guidelines for evaluating applications. Given that the determination of "minor" is discretionary and dependent upon site-specific circumstances, a "minor variance" can be considered as meeting the following criteria:

- no adverse physical planning impacts result from the variance, e.g. unacceptable building mass; negative streetscape impact;
- public safety and convenience are not negatively affected;
- the variance does not produce an unacceptable adverse effect on neighbouring properties;
- the variance does not unduly intensify the occupancy and use of the dwellings; and,
- the variance does not unduly interfere with the abutting neighbours' use and enjoyment of their property.

The development of design guidelines should deal with the following elements:

- House design to encourage that new development fits in with the scale and character of the local area, and takes advantage of particular site characteristics and conversely the use of standardized repetitive designs should be discouraged. The design of the dwelling should encourage that garages not project beyond the main face of the house. The character of many neighbourhoods is "formal", which is adversely affected by garages prominent in the front yard. The face of the garages should be recessed behind the main face of the house.

- The existing urban forest is an important element of the character of the existing neighbourhoods. The design guidelines should encourage the preservation of existing trees/vegetation.

- The depth of the front yard should be similar to that of the adjoining lots to preserve the spatial character and vegetation on the street.

- Building mass, side yards, and rear yards should respect and relate to those of the adjacent lots and new house should not have a detrimental impact on the abutting properties in terms of loss of privacy or sunlight

RECOMMENDATION 5.6

Recommendation:

Implement in Hamilton a pre-consulting, non-mandatory mediation process such as the current Toronto Mediation Pilot Project for applications to the Committee of Adjustment

Commentary:

The Committee of Adjustment deals with minor variances. However, there is not always consensus as to what constitutes a "minor" variance. Within the Westdale and Ainslie Woods

Neighbourhoods, applicants and neighbours have disagreed about the effects of the proposed changes and whether or not the variance is "minor".

At the present time, the only mechanism to deal with a decision of the Committee of Adjustment is to appeal the decision to the Ontario Municipal Board. For the residents of the Westdale and Ainslie Woods Neighbourhoods, this results in a confrontational situation that is often viewed as a "lose-win" forum. As an alternative, a mediation process could be developed based on the current pilot project in the City of Toronto.

The City of Toronto has developed a voluntary mediation project. The mediation process **does not limit any parties rights from appealing to the Ontario Municipal Board if the issues in dispute cannot be resolved.** Mediation is available at three stages. The stages are:

- before the application is dealt with by the Committee of Adjustment;
- when the Committee of Adjustment has tabled the application to allow for mediation to occur; and,
- after a formal appeal of the Committee's decision has been filed.

The purpose of the mediation process is to bring all of the interested parties together and attempt to develop a "win-win" solution for all of the parties. A win-win solution could be:

- the application is withdrawn, with revised plans (which comply with the Zoning By-law) being submitted for a Building Permit; or
- the application proceeds to a Committee of Adjustment hearing with the applicant requesting approval based on the conditions agreed to during the mediation; or
- a new application is submitted based on revised plans with a new notice circulated and a new meeting held.

Mediation would allow for all parties to reach a mutually agreeable compromise and avoid the current system, which is perceived as being confrontational and forces the residents and community into a reactive mode in response to a notice received in the mail.

Recommendation 6.3

Recommendation:

McMaster University and the MSU in consultation with the community should investigate providing affordable off-campus housing in partnership with private developers and government agencies.

Commentary:

The University needs to consider the impact of private partnerships on the affordability and quality of housing which would be provided throughout the Region of Hamilton-Wentworth for students.

Recommendation 12.1

Recommendation:

The City of Hamilton continue discussion with other Ontario university cities to better enable city staff to keep up to date with developments and solutions in other regions and communicate results to stakeholder groups.

Commentary:

The impact of a university in a city has been the focus of previous discussions held with other municipalities. Specific topics are often discussed with university cities through organizations such as OPPI (the Ontario Professional Planners Institute), OBOA (Ontario Building Officials Association), OAPSO (Ontario Association of Property Standards Officers), and MLEO (Municipal Law Enforcement Officers). These organizations bring municipal officials together based on the use of common provincial legislation. There are already established a large number of organizations which allow municipal staff to trade solutions and problems with one another

Recommendation 13.3

Recommendation:

City Council to consider the difficulties of noise and safety concerns of Sanders Blvd./Cootes Dr. and take action to alleviate problems including consideration of stopping up and closing Sanders Blvd. to Cootes Dr. and installing noise attenuation barriers.

Commentary:

The pedestrian connection between Sanders Blvd and Cootes Drive, east of Norfolk Ave., has been identified as an important linkage in the City and Regional on-street/off-street bicycle network. Although this is an important linkage for connecting the surrounding neighbourhoods with McMaster University, there have been problems relating to inappropriate activity by people using the walkway.

The walkway is part of the former King Street road allowance. There are storm and sanitary sewers located within the walkway. It is the Region's practise to retain infrastructure within public ownership.

The walkway could be closed up, but that unless the walkway was sold to the abutting landowners, there is a possibility that people would continue to use it as a connection to Cootes Drive. If the walkway were sold, the City would be required to offer it to the abutting landowners who would be required to merge it in title with their existing lands. This would result in a 50% increase in lot sjze, or if purchased by one landowner, a 100% increase in lot size. The larger lot would allow for the construction of a larger dwelling in accordance with the 45% gross floor area zoning regulations.

McMaster Student Union representatives of the Task Force expressed concern about the closure f the Sanders Boulevard/Cootes Drive walkway as this would have a negative impact upon student life and mobility of students to and from the campus.

Closure of the walkway could have unintended side effects not considered by the neighbourhood. As such, this matter requires further investigation.

Recommendation 17.1

Recommendation:

McMaster's planning for the double cohort or any increase in student enrolment include consideration of the community impact of increased student enrolment.

Commentary:

McMaster is in the early stages of devising a plan that will assist the University to accommodate any enrolment changes for students who fall in the double cohort group. At this stage, Ontario universities and colleges are awaiting indications from the Ontario government as to its expectations for the double cohort year.

A Double Cohort Task Force has been established at McMaster to examine the problems and opportunities that come with increased enrolment from parking and traffic flow, off-campus housing and the need for increased housing on campus, to the complement of faculty needed to teach an expanded student body.

Recommendation 20.1

Recommendation:

McMaster to initiate an update to its 1992 Master Plan in consultation with the community in the preparation of the terms of reference for the review of the Master Plan.

Commentary:

The McMaster University Campus Plan outlines the basic principles for the orderly development of buildings and major facilities on the University campus including development criteria, use allocation of McMaster-owned land and traffic and parking. The Plan was last reviewed in 1992. At that time, the draft plan was discussed at several public meetings.

Appendix "A"
(Community Manifesto)

University Area Community Manifesto

Membership

We, the undersigned, are all members of the McMaster University Area Community, and include permanent residents, student residents, McMaster University officials, and landlords. We have gathered together to meet and discuss community concerns and to propose action(s) to the relevant political and bureaucratic bodies and individuals for the protection, preservation and remediation of our neighbourhoods (Westdale and Ainslie Woods).

Objectives

It is our objective to make reasonable and thoughtful proposals that will, by their nature, find acceptance among the legislative and enforcement bodies of the City of Hamilton, the Province of Ontario and be legally enforceable by the Courts of Ontario. Furthermore, it is our intention to propose a cooperative working framework with our elected representatives and our civil servants in order to ensure the speedy and effective implementation of community-based proposals aimed at the protection, preservation and remediation of our neighbourhoods (Westdale and Ainslie Woods). We want to assist in developing the "tools" required to better manage our community.

Concerns

The following lists the major concerns of the undersigned with respect to the University Area Community (Westdale and Ainslie Woods):

1. Increased Population Density

The primarily illegal conversion of single housekeeping units into what are in effect unlicensed lodging houses has resulted in an increase in the population density that exceeds and severely strains the community's infrastructure. As well, a large number of ancillary problems have arisen due to this increase in population density, including:

- Unsafe, overcrowded housing;
- Excessive noise;
- Traffic problems;
- Illegal and unsightly parking problems;
- Increase in air pollution;
- Increase in garbage, littering, etc.;
- Anti-social behaviour;
- Alcohol abuse; and
- Acts of intimidation.

Current living conditions for many students are socially unhealthy with too many students / occupants being compartmentalized in woefully inappropriate housing conditions.

2. Lack of Enforcement of Existing Planning and Building Code Bylaws

Efforts to uphold reasonable community standards are frequently thwarted by the City's lack of enforcement of existing bylaws. Indeed, the community's experience has been that of a seemingly indifferent, cynical and even hostile City Bureaucracy. Some examples:

- When a proposal was made for the City to adopt a bylaw similar to the Guelph bylaw, the resultant report from the Building Department, dated May 12, 1997, was distinctly "defeatist" and showed no regard for the concerns of the community residents. Rather, it concluded that nothing new could be done.
- When a bylaw was initiated and broadly supported by the community to limit so-called "monster homes", bureaucratic "slip ups" resulted in the community participants having to attend twice the number of City meetings than should have been required.
- When a house was about to be demolished in order for a rental "barracks" (using the term used by an alderman) to be built, regulations did not require that neighbours be notified of the petition before the planning committee.
- When one lodging house was inspected, it was discovered that there were locks on the door, therefore presenting the exact evidence satisfying the definition of a lodging home, and therefore illegal. However, rather than force the house to be vacated, the inspector advised the residents / owner to remove the locks from the doors, rendering this illegal lodging house technically "legal".
- At another home (on the same street as the example above), a garage was illegally (i.e. without permit or hearing) converted to living quarters for tenants. When the inspector arrived in response to a complaint, the inspector pointed out that there were now insufficient parking spaces. So, rather than force the re-conversion of the garage he permitted the owner to build two new parking spaces over a steep natural incline, resulting in a concrete construction that includes a 12 foot retaining wall and the destruction of a yard sloping back onto a ravine.
- At one lot, construction was begun without a permit by an experienced developer. In such a case the builder could be fined up to $25,000, but the builder was only given an order to comply. The builder then proceeded to build but did not comply with the approved plans. However, instead of making the builder change the structure to conform to the approved plans, the building department allowed him to proceed with the construction of an oversized, unsightly building, chock full of rental rooms.
- A Student Housing Task Force, which reported on June 28, 1988, made a number of recommendations, almost none of which have been acted upon. For example,
  - There was to be established a permanent Housing Committee (composed of City representatives, students, University administrators, landlords and residents) to review data on student housing, and address any problems related to student housing and other pertinent issues.
  - The City of Hamilton was to take the necessary steps to allow City Officials to enforce the Zoning By-law, Property Standards By-law, Backyard By-law, etc.
  - The City was to fully investigate the feasibility of defraying the costs associated with the construction of University and/or Student Union sponsored housing.
  - The Regional Planning and Economic Development Committee was to be requested to prepare a map identifying all higher density areas within the Region which are suitably zoned for the construction of multiple student accommodation, for the purpose of assisting developers.
  - Etc., etc.

3. Housing Standards

Housing standards are not being met and in many cases are being flagrantly breached to the detriment of the living conditions of all residents. There is, as well, inadequate housing inspection and the required housing standards, particularly for student residences, are not being upheld due to the absence of any regulations or requirements concerning building / housing inspection.

4. Safety Concerns

Residents fear that students face injury or death when overcrowding is combined with a lack of adherence to fire, building, and safety codes and the absence of systematic inspections.

5. Deteriorating Neighbourhoods

The physical conditions of the University Area neighbourhoods, in general, and of student housing, in particular, are deteriorating. Properties, many of them owned by absentee landlords who have no long-term commitment to the neighbourhood, have been allowed to run down. Streetscapes are ignored when small homes are demolished to construct "barrack-type" student housing developments. Illegal additions and conversions damage the character of the neighbourhood. Front and back yards, porches, eaves, and doors, etc., when they are not well maintained, contribute to an unwanted community atmosphere of shoddiness and indifference.

This type of damage and irreversible harm to the neighbourhood is upsetting and potentially detrimental to the University, to student residents, to permanent residents - and to the City itself.

6. Housing Values

According to real estate professionals, housing values in the University Area, unlike the rest of Hamilton, are being depressed due to problems associated with excessive student housing in these neighbourhoods.

A Call to Action

- We, the undersigned, petition the City of Hamilton to provide the necessary resources to ensure that existing bylaws governing housing, noise, traffic and parking be consistently and aggressively enforced
- Establish a City committee with the appropriate priority and resources to research these issues and to develop a new, creative and workable set of solutions.
- Introduce economic incentives for homeowners to convert multiple housekeeping unit dwellings back to single-housekeeping unit homes and disincentives to convert from single- to multiple housekeeping unit housing. (Some possible approaches might include higher assessment rates for rental businesses, grants to assist buyers to return rental homes into single housekeeping unity homes, substantial fines for failing to maintain adequate housing standards, etc.)

Final Words

- We, the undersigned, all stakeholders in the University Area neighbourhoods, believe that the problems described herein also exist, to some extent or another, in many other City

neighbourhoods. Therefore, the effort invested by the City now to research and analyze these problems, and to develop meaningful and potent strategies for their amelioration, will have broad application and positive impact in neighbourhoods all across Hamilton.

- The residents of the University Area neighbourhoods have been struggling for over 10 years with these problems and they have seen them worsen. We feel that the City has not sufficiently addressed our concerns nor helped us preserve our once wonderful and beautiful neighbourhoods.
- For us, the set of problems we are experiencing is not unlike those which arise when prostitution takes over City streets. The whole tenor of our neighbourhoods has become perverted, and the general feeling is one of decay, degradation, insecurity, lack of ethics. Yet in some sense our situation is even worse, for there are no "peak" hours for overcrowded, dilapidated houses - and the problems can not be removed from our streets with a simple "sweep".

Wednesday, 1999 April 14
7:00 o'clock p.m.
Cafetorium, St. Mary's Secondary School

The McMaster University Area Neighbourhood Task Force held a public meeting at the above noted time and place to present the recommendations for Restoring the Community.

There were present:	Alderman Marvin Caplan, Ward 1 Alderman Mary Kiss, Ward 1 Barry Bender, Neighbourhood Resident Stephanie Michelle, Neighbourhood Resident Rick Grigg, Neighbourhood Resident Irwin Feuerstein, Neighbourhood Resident Ron Whyte, Neighbourhood Resident Brian Schantz, Neighbourhood Resident Brian Donst, McMaster University Andrea Farquhar, McMaster University Fayez Quereshy, McMaster University Student Union Burke Christian, McMaster University Student Union Peter Lampman, Building Department Steve Robichaud, Planning Department Frank Biancucci, Fire Department Arthur Zuidema, Law Department Maureen Wilson, Regional Chairman's Office
Regrets:	Ron Sabo, Law Department
Also Present:	Officer Maloney, Police Department Teresa Fontana, Acting Secretary

1. WELCOME

Ald. Mary Kiss welcomed those present and introduced the Task Force Members. She stated that those who wished to ask questions could sign in on the sheet provided.

2. WORKING GROUP PRESENTATIONS

Working Group A, Ron Whyte read the recommendations outlining Property Standards, Noise By-law, Other By-laws, Building Code, Zoning Issues, Procedures and Parking.

Working Group B, Rick Grigg highlighted the recommendations on Conflict Resolution, Communication and Education.

Working Group C, Andrea Farquhar read the recommendations regarding The University and the Community.

Working Group D, Stephanie Michelle read the recommendations on Housing and Transportation, Economic Incentives, Safety and Security.

QUESTION AND ANSWER PERIOD

3. **a)** Fred Brown — Raised a concern about the excessive noise of fire response vehicles to false alarms at McMaster. Frank Biancucci of Fire Prevention confirmed that McMaster is not charged for false alarms.

   b) Olga Ward — Responded that the implementation ideas for the report are a good start. She also had concerns about night time issues from fire response vehicles and asked the city to provide blue boxes and garbage receptacles for the ravine behind Sterling Street. Alderman Caplan responded that her request for blue boxes and garbage receptacles will be forwarded to Public Works.

   c) Mr. Davis — Raised concerns about the police response to on street drinking, noise from students, and the theft of traffic signs. Officer Maloney replied that police have ride programs, work with the city's noise by-law officer and lay charges when necessary.

   d) Phylis Tresidder — Wanted to know more about the development permit process and whether or not it allows citizens to comment on site plans. Steve Robichaud gave an overview of the development permit process.

   Ms. Tresidder stated that Westdale could not have a revised neighbourhood plan when it did not have a neighbourhood plan. Ald. Kiss stated that she had spoken to the new City Manager and new Director of Community Planning and Development on the issue of the need for updated neighbourhood plans in Ainslie Woods and Westdale.

   e) Karen Bowman — Expressed dismay at the city's use of separate inspectors for parking and property standards enforcement. She was advised that proactive enforcement of property standards is recommended in the report and that the city is moving toward combined inspection services for building, fire, health and by-law enforcement.

   f) John Gaul — Informed the task force that he is not satisfied with the response from City Hall respecting letters he has written concerning taxes.

   g) Janet Woodward — Expressed concerns about a recent report commissioned by the Region that stated that taxes in the Region are crippling the economic viability of the city. She also had concerns about 1999 tax levels and the excessive cost of providing services such as the police. Ald. Caplan responded that the city has held taxes at 0%. He explained that tax increases were due to education costs,

additional policing and downloading from the province. (see attached letter)

h) Dave Cheatley — Wanted to know it the city was going to licence student homes and also if the city could impose a higher tax rate for the houses. Barry Bender explained that poorly maintained houses end up paying less taxes which is counter productive.

i) James Skimming — Wanted to know how the recommendations fit in with the vision 20/20 issues respecting the development and the environment of Westdale. Ald. Caplan responded that the report addresses bike paths and bus passes which are also part of vision 20/20.

j) Paul Tofflett — Stated that recommendations are a good start to make changes. He also asked why the housing industry was not represented on the task force. Barry Bender replied that the housing industry was not a stake holder in the student housing issue.

k) Bev Wasmund — Recommended that students at McMaster should be required to take a course on community expectations. Bev also wanted to know if McMaster had plans to build new student residences on the campus. Andrea Farquhar stated that McMaster is examining possible student residence options.

l) Mrs. Fields — Wanted to know why there is no proactive property standards enforcement and had concerns about the condition of houses on Ward Avenue.

m) Mrs. Zafaris — Raised concerns about the condition of homes on Ward Avenue and the lack of property standards enforcement.

n) Lorne Barthe — Expressed concerns about front yard parking and the lack of ticketing by by-law officers.

o) Mark Vsik — Wanted to know if students had been invited to the meeting. He also asked if the city could impose fines on landlords for allowing noise on their properties. Ald. Caplan advised that the task force looked at the issue of noise.

p) Konrad Suelzle — Complained about garbage pickups by Public Works in that cans are left on the road, and garbage is left blowing around. He also stated that all people over 75 years of age should get their taxes reduced.

q) Zelda Rock — Stated she had concerns respecting absentee landlords, lack of enforcement of property standards, noise, garbage, and on enforcement of existing by-laws. She also asked what city council is going to do to make changes.

r) Linda Grigg — Commented that any changes to the monster home by-law must be done with caution to not jeopardize the validity of the existing by-

law. She also expressed concern about the lack of property standards enforcement.

s) William Jerome — Commented that both Main Street and Hadden are areas where motorists speed and that more policing is required.

t) Jack McNie — Commented that the community is receiving diminishing returns from the presence of McMaster with respect to traffic. He wants to know when the university is going to assume more traffic load within the campus.

u) Joy James — Stated that McMaster is over intensified and has reached a crisis stage especially Saunders Boulevard. Mrs. James questioned why this walking path was singled out as many streets have the same problems. She also wants to see lodging homes licensed, does not want SCCH to be permitted and questioned the use of a new definition of family. (see attached letter)

v) Mark Snidley — Advised that he was a student house landlord and wanted to know why landlords were not invited to the meeting.

Ald. Caplan responded that notification of the public meeting was sent by first class mail to all homes in the Ainslie Woods and Westdale neighbourhoods.

w) Barry Bender — As Chairman, Barry summarized the next steps that could occur. He advised that this report is not a lot different from the 1988 report however the difference will be in the follow up which is proposed.

1) Task force will meet and discuss submitted questions and comments.

2) The report may be ratified after consultation with stakeholder organizations. Part of the process includes the presentation to the Planning and Development Committee, which is another opportunity for public input.

3) Ensure that the implementation committee is formed.

From: Janet Woodward <woodward@torontolife.com>
To: Rickling@interlynx.net <Rickling@interlynx.net>
Date: Wednesday, May 05, 1999 9:38 AM
Subject: Task Force Public Meeting

Rick

To follow up from our conversation last evening, here's the question I asked:

> "The Spectator reported that McMaster is seeking money from the region. Taxes in the west end have risen more than any other area in the city and the lifestyle for resident homeowners has been seriously eroded by the impact of the institution seeking the handout. The Ainslie Wood/Westdale Community Association has submitted to Mary Kiss and Marvin Caplan petitions signed by over 300 residents requesting that our taxes be lowered due to these deteriorating conditions. Here is a suggestion as to how our taxes can be reduced: The March 25/99 Spectator reported on a $50,000 study commissioned by Hamilton-Wentworth politicians. The study was prepared by regional staff, an economic analysis firm and a realty advisory firm. The results, it was reported, show that the cost of police, fire, local government, road maintenance, snowclearing, public health and public transit are excessive in Hamilton-Wentworth compared with the amount paid for these services in 15 other Ontario communities. **WHAT IS THE CITY DOING ABOUT THIS REPORT? IS THE CITY WILLING TO LOOK FOR COMPETITIVELY-PRICED SERVICES IN ORDER TO SAVE DOLLARS AND LOWER OUR TAXES?"**

Rick - As you can see, I asked ONE question, not 5 or 6 as Marvin said. The balance was setup and background for the ONE question. Please let me know if you can get my question corrected. Also, do you think it would help if I e-mailed the question to Marvin and/or Mary? If so, can you provide me with the thing I should quote when sending it?

Thanks.

Janet

03 May 1999

Ms. Mary Kiss and
Mr. Marvin Caplan
Aldermen, Ward 1
City of Hamilton
Hamilton City Hall
71 Main Street West
Hamilton, Ontario L8P 4Y5

RE: MCMASTER AREA NEIGHBOURHOODS TASK FORCE
MEETING OF WEDNESDAY, APRIL 14TH, 1999
ST MARY'S HIGH SCHOOL, HAMILTON, ONTARIO

Upon receipt of the Minutes of the captionally noted meeting, I find there have been erroneous comments under "Question and Answer Period", section u) Joy James.

Please ensure that the Minutes are corrected to accurately reflect my questions and opinions as follows:

I . . . by reiterating comments made by Linda Grigg regarding the McMaster Home By-Laws. Nothing should be done that would place these By-Laws in jeopardy.

My three questions, according to my written notes, were:

i): 6.0 Housing and Transportation:
Our neighbourhoods have reached and passed the crisis stage as far as over-intensification of a) vehicles b) persons c) buildings and d) student occupied houses.
The entire McMaster complex is extremely over-intensified. Look at the number of buildings on such a small parcel of land.
Firstly, this massive over-intensification should be relieved. i.e. Is McMaster planning to place campuses and accompanying residences in Mississauga, Kitchener, Brantford and Toronto? Other universities are attempting to address their problems, why can't McMaster.
The solution is not to shuffle the problem around from street to street, area to area, but instead to make a concerted effort to remove the problem (over intensification) from our neighbourhoods. Incentives should not be given to developers.

ii) 13.0 Communications and Education - Noise and Safety Concerns - Recommendation 13.3 (noise and safety concerns of Sanders Blvd./Cootes Drive):
This is a very small part of the problem. Why has this tiny crossing been selected for inclusion in this study when there are massive problems on all Westdale Streets leading to the

Sterling Street entrance? (Forysthe, Dalewood, Haddon, Newton). The Hamilton-Wentworth Reg. Police have indicatedd Newton Avenue is a very dangerous corner. There are numerous accidents here on an ongoing basis. Left hand turns should not be allowed onto Main Street West.

iii) 3.0 Other Zoning By-Laws, Building Code and Zoning Issues (Student Lodging Houses)

3.1 CONTRARY TO THE MINUTES TAKEN, I AM DEFINITELY NOT IN FAVOUR OF LICENSING STUDENT LODGING HOMES. My comments at the meeting were "the idea of licensing any type of lodging home could very well result in an influx of lodging homes in West Hamilton. A lodging home is a lodging home theory would certainly apply here."

3.2 My question regarding the definition of a family in B.C. was directed to the member of the City Legal Department. "Is it not correct that the definition of a family in Victoria, B.C. does not apply in the Province of Ontario? Would legislative changes not be required in Ontario to change the current definition of family? Also, is it not correct that the Supreme Court of Canada could overrule the B.C. definition?"

Thank you for your attention in this matter. A copy of this information will be provided to Ms. Stella Glover for the attention of Task Force Members.

I would appreciate receiving a corrected copy of the Minutes

Sincerely

J. James

(Mrs.) Joy James
87 Newton Avenue
Hamilton, Ontario
L8S 1W2
copy: Ms. Stella Glover, Secretary
Attention: Task Force Members

THOMAS D. PERRIE
98 BINKLEY CRESCENT
HAMILTON, ONTARIO
L8S 3L1
tdperrie@idirect.com

April 18, 1999

Mr. Barry Bender
20 Paisley South
Hamilton, Ontario
L8S 1T7

Dear Mr. Bender:

My wife and I, together with other neighbours, recently attended the presentation of the McMaster Area Neighbourhoods Taskforce at St. Mary's High School. We were in agreement with all but one of the recommendations that the committee made. Only the closing of the entrance from Sanders Boulevard across Cootes Drive made us feel uneasy.

My purpose in writing however was not to criticize but to commend you and your committee for the work that you have done. The recommendations going to Planning and Development and Council are very clear and well organized and are obviously the result of an incredible amount of work over a long period of time by this committee. Please pass on to the committee our thanks and congratulations for the excellent job they have done in trying to alleviate a very difficult and sometimes emotionally charged problem.

Thanks once again,

Tom Perrie

Sheryl Hoskens-Perrie

Sheryl and Tom Perrie

Comments on
McMaster University Area Neighbourhoods Task Force Recommendation (April 1999)

Submitted by: Barb Bloemhof
119 Emerson Street
Hamilton (523-4041)

May 1, 1999

General Comments on Process during the Public Meeting April 14th:
I felt that better time management during the comments section would have been prudent. The disproportionate amount of time spent by the moderator on his own comments sent a meta-message of disrespect for community/audience time and input. Furthermore, it had the (probably unintended) outcome of leaving the community/audience with a heightened sense of frustration at their unmet needs and the work of the task force. I feel that by choosing to lead the discussion in the way that was chosen, the goodwill of the community was spent with little to show for it in terms of support and progress. This will make it that much harder to get the community/audience to participate later (cynicism, lack of perceived "good outcome"), and that is a great shame.

I also felt that a valuable opportunity to hear from MSU representatives was lost: I do not think that these people were given enough opportunity to speak. I think if the community/audience could just hear for themselves the ways that students have committed to working with the community, it could go a long way to stem the counterproductive "us and them" attitude that clouds so many of these initiatives. We really have a lot of things to agree on, students and neighbours.

Any approach to neighbourhood problems depends on a particular perspective on "the source of the problem." I'd like to make my biases explicit, so that you have a context for my comments. It is my opinion that lack of personal privacy in housing (both on and off campus) is an element in some of the undesirable behaviour we see in our neighbourhood. If people enjoy their housing, they will take care of it and keep it well; if they feel that the neighbourhood is welcoming and welcomes them, people will perpetuate that community feeling. I also feel that both of these factors reduce ambiguity regarding responsibility for (say) garbage management, respect for quiet, and cleanliness of premises. A broad "ownership" of the feeling of community, I feel, will be useful to cultivate as we approach these recommendations.

Section 1.0 Property Standards and Noise By-laws
No comments

Section 2.0 Other zoning by-laws
I have a fear that tampering with the monster home bylaw will result in its being challenged and removed. I feel that Recommendation 2.2 dovetails with initiatives on the Provincial building code, and for that reason, the MPP for this area should be brought into the loop. It may be time to consider an area-specific building code: we all know what we want to prevent (expensive student housing in overpopulated/cramped/unsafe facilities where neighborhood norms/laws are not respected). I would really like to see the task force work a bit harder at thinking of creative ways to achieve this, if it is possible.

Section 3.0 Other Zoning Bylaws
Recommendation 3.1: I concur with the inadvisability of licensing lodging homes if enforceability is evasive. I submit that enforcement is a major problem with existing rules (such as noise), and I am skeptical that the answer is to increase that burden. I also feel that increased administration has not helped in areas where common sense is the true guide. Please be careful with this recommendation.
Recommendation 3.2: I highly support this initiative. I really think this is where the answer lies.

Section 4.0 Parking
I fear that these recommendations (4.1 and 4.2; thank you for the appended background information) are in the right direction, but will be ineffectual because I suspect that existing arrangements will have to be "grandfathered." What scope exists for making these requirements applicable to the existing problem houses? Can the City provide long term parking, as the City of Guelph does (or did) for its overparked areas?

Section 5.0 Procedures,
No comments: these seem very sensible.

Section 6.0 Housing and Transportation
Could the Province or the Federal Government match block funds for retrofitting dorm-style residences to be (more popular/desireable) apartment-style on-campus housing? Can the University convert its older residence stock to provide students with comfortable places to live on campus?

Section 7.0 Housing and Transport Off Campus
No comments.

Section 8.0 Housing and Transport: Public Transit
Regarding Recommendations 8.1 and 8.2: While I agree that subsidized HSR transport serves an important goal in broadening the available housing for students, I am concerned that this subsidy does not increase the cost to the City of offering bus service. I am not in favour of providing faculty and staff with subsidized transport, at least not at the ratio of "pay for one month, get eight months' service." As a taxpayer, I would need to know that my civic taxes would not be unduly affected by such a subsidy. I also worry that part time students will not be able to "opt out" of bus service many of them do not use the HSR enough to warrant even the existing subsidy. It seems unfair to compel part time students to pay for that which they don't use. In any event, I note that the task force has not appended any financial analyses or even ridership surveys reflecting possible impact of these recommendations. I need you to do your homework carefully in this area.

Section 9.0 Conflict Resolution
No comments.

Section 10.0 Communications and Education
No comments.

Section 11.0 Communications and Education
No comments.

Section 12.0 Communications and Education
No comments.

Section 13.0 Communications and Education: Noise and Safety Concerns
Recommendation 13.3: Continuing along the lines of the concerns mentioned in the Appendix, I fear that this walkway is such an essential access for students and others that if you were to close it, someone else's property would be chosen and used by those who would save a bit of time. I think it is therefore impossible to realistically consider closing it, even though that would appear to solve a lot of problems. I encourage the Task Force to continue to brainstorm about this walkway.

Section 14.0 Community Initiatives: Community Forum
I am skeptical that a formal City-staffed forum could be struck to promote an integrated, balanced and cohesive community. I feel that the City is having a hard time accomplishing some of its

primary goals as it is. Really, City Hall has always had responsibility for fostering an integrated, balanced and cohesive community, and yet here we are. Furthermore, formalization is a great way to kill creative thinking and innovative solutions. I am not in favour of City leadership on a forum: think we need a place that is outside of the adversarial/political realm in order to talk about cooperative outcomes.

Section 15.0 Community Initiatives: Plan Implementation
No comments.

Section 16.0 The University and the Community: Community Outreach
No comments: great thoughts.

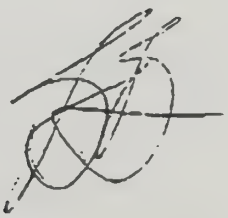
Section 17.0 The University and the Community: Double Cohort
Unfortunately the provincial government is not ready to comment on their proposed management of the double cohort and we are running out of time. Please try to consider contingency plans and possibilities, because some of the possible solutions are going to be inoperable as our lead times ebb.

Section 18.0 The University and the Community: Community Expectations
Please avoid patronizing students in the implement these recommendations.

Section 19.0 The University and the Community: Landlord Responsibilities
No comments.

Section 20.0 The University and the Community: Campus Planning
No comments.

Section 21.0 Safety & Security
My sense is that the overwhelming proportion of fire department calls are related to students living on campus, not off campus: is this true? I don't think that Recommendation 21.1 is the highest priority, in terms of things that will cost money to implement in the Task Force's recommendations. I just want the Task Force to consider the priority and expected payoff or effectiveness of this recommendation in comparison with other recommendations; obviously, if I've underestimated the weight of off-campus students as a proportion of Fire Department callouts, then temper my suggestion.



5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 April 29

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Kentley Neighbourhood Plan Review - Lands Located at 505 to 537 Queenston Road

RECOMMENDATION:

(a) That Land Use Option 3b Mixed Uses – Commercial Conversions and Dwellings, as outlined in this report, be endorsed as the land use option for the subject lands, shown on the attached map marked as APPENDIX "A".

(b) That the Community Planning and Development Division be directed to undertake the appropriate Official Plan Amendment, Neighbourhood Plan Amendment (including Design Guidelines) and Rezoning to implement Option 3b Mixed Uses – Commercial Conversions and Dwellings.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

A Public Meeting will be required under the Planning Act, to implement the recommended land use option.

BACKGROUND:

The subject lands, 505 to 537 Queenston Road, as shown on APPENDIX "A", are located within the Kentley Neighbourhood. The Approved Plan for the Kentley Neighbourhood was adopted by Council in the early 1970's. Since that time, the subject lands have been designated "Low Density Apartments", as shown on APPENDIX "B". The lands are zoned predominantly "B-1" (Suburban Agriculture and Residential, etc.)

District. Although no proposals have been submitted to the City for apartment development, a number of rezoning applications have been submitted over the years for commercial use. In total, three properties received zoning modifications.

The "B-1" (Suburban Agriculture and Residential, etc.) District zoning at No. 505 Queenston Road was modified in 1977 to allow an office use within the existing building. On September 29, 1998, City Council approved Official Plan Amendment No. 154 and rezoning application ZAC-98-27, to permit a portion of the dwellings at 535 and 537 Queenston Road to be converted for office use. As part of the resolution to approve these development applications, Council also directed the Community Planning and Development Division to undertake a Neighbourhood Plan review of the area designated "Low Density Apartments" located at 505 to 537 Queenston Road, as shown on APPENDICES "A" and "B".

NEIGHBOURHOOD PLAN REVIEW:

As directed by the Planning and Development Committee, the Community Planning and Development Division has undertaken a land use review for the lands located at 505 to 537 Queenston Road, within the Kentley Neighbourhood. The complete study, *Neighborhood Review – Kentley Neighbourhood Lands Located at 505 to 537 Queenston Road, March 1999*, has been circulated to the members of the Planning and Development Committee under separate cover.

The study identifies the following land use options for the study area.

Option 1 - Status Quo

This option would be to retain the existing designation of "Low Density Apartments" for the study area. The long-term intended use for the lands would remain as multiple residential. In the interim, the existing uses and the established "B-1" (Suburban Agriculture and Residential, etc.) District and "B-1 District modified zoning could be retained.

Option 2 - Permit Comprehensive Redevelopment for Commercial Use or Mixed Commercial and Residential Use

This option would allow for complete redevelopment of the lands within the study area for commercial use, or for mixed commercial/residential use. There would be no restriction to the existing buildings. Certain high traffic generating uses, such as restaurants, could be prohibited to reduce negative impacts and traffic.

Option 3 - Permit Commercial Conversions of Existing Dwellings

There are two variations of this option, as detailed below. One Option would be to identify the entire study area as an area where all the buildings would eventually convert for limited commercial use. The long-term intent of this option is primarily for commercial use. The second variation would be to recognize the co-existence of the

single-family dwellings and commercial conversions in the area. The long-term intent for this option would be for both residential and commercial as primary uses.

a) Commercial Conversions As A Primary Use

This option would be to permit the conversions of the ground floors of the existing dwellings for limited commercial uses, such as professional offices, retail and service type commercial uses. The second floors of dwellings, where they exist, could contain a residential unit. Minimum standards, such as for landscaping, would be used to ensure appropriate buffering and streetscape treatment would be incorporated into the redevelopment. Site Plan Control would be used to review and regulate the site details, such as parking, access, landscaping, etc. Although the existing single-family dwellings could remain as existing uses, the intent is for eventual conversion of all the buildings.

b) Mixed Uses – Commercial Conversions and Dwellings

This option would involve the recognition of the area as a mixed use area (i.e. commercial and residential). The Neighbourhood Plan could be amended to designate the lands as a mixed use area (e.g. "Single and Double Residential and Commercial Conversions"). This Option would permit single and two-family dwellings, as well as limited commercial uses within the existing dwellings, subject to design standards to achieve compatibility. In this regard, minimum standards, such as landscaping, would be used to ensure appropriate buffering and streetscape treatment is maintained throughout the area. Site Plan Control would be used to review and regulate the site details, such as parking, access, landscaping, etc.

A complete analysis of the advantages and disadvantages for each option is contained in the study.

PUBLIC PARTICIPATION:

- **Public Information Meeting**

On April 19, 1999, a public information meeting was held with the Ward Aldermen to discuss the above noted land use options. Two property owners attended the meeting. Both property owners were in favour of Option 3 b) Mixed Uses – Commercial Conversions and Dwellings.

- **Submissions**

A total of three written submissions have been received on the Land Use Options. Two owners (509 and 519 Queenston Road) are in favour of Option 3 b) Mixed Uses – Commercial Conversions and Dwellings. One owner (523 Queenston Road) is in favour of Option 2 - Permit Comprehensive Redevelopment for Commercial Use or Mixed Commercial and Residential Use.

Comments include:

- A suggestion that the City undertake an appropriate rezoning as part of an implementation strategy.

- An inquiry as to whether any changes would have an effect on property taxes.

The Assessment Office and Finance Department have been consulted with regard to questions on property taxes. The Assessment Office indicates that each property is assessed individually based on a number of factors, including its current use. The triggers for a reassessment are usually: a building permit; a change in use; a change in zoning; or, a property transaction. They indicated, if properties within the study area continue to be used and zoned for residential use, a change in assessment would not be expected, even if the Official Plan and Neighbourhood Plan are amended as suggested by Option 3. Furthermore, our Finance Department indicates that property taxes for residential uses would continue to be based on the residential rate until they are assessed differently (i.e. for a commercial use). Accordingly, property taxes would not be expected to rise as a result of this study for properties, which continue to be used for residential purposes.

ORDERS TO COMPLY:

As a result of this land use review, it has come to the attention of the City that two properties within the study area located at Nos. 509 and 531 Queenston Road were converted for commercial uses in contravention of the established "B-1" (Suburban Agriculture and Residential, etc.) District zoning. The building at No. 509 is being used for a denture clinic and the property at No. 531 is being used for a medical office. Both property owners have recently been issued Orders To Comply and are awaiting the outcome of this study to determine their course of action to bring the properties into compliance with the Official Plan and Zoning By-law.

RECOMMENDED LAND USE OPTION:

When compared with Options 1 and 2, Option 3 is the most advantageous. It allows redevelopment for commercial uses, while preserving the low profile character of the area. It also makes use of the existing building stock. Some alteration to the area can be expected (e.g. to provide parking). However, if proper guidelines and regulations are in place the quality of the streetscape can be maintained and impacts on the abutting uses can be minimized.

It should be noted that Options 3 a) and 3 b) are similar, and the advantages are comparable. Nevertheless, Option 3 b) provides greater flexibility with respect to allowing a permanent residential component. It recognizes that not all dwellings within this area need be converted for commercial use. Although this may pose some conflicts between land uses, compatibility can be achieved with appropriate regulations and buffering provisions.

Option 3 b) Mixed Uses – Commercial Conversions and Dwellings is recommended as the land use option for the study area, on the following basis:

- This land use option would comply with the Regional Official Plan which identifies Queenston Road as a "High Density Mixed-Use Corridor", and promotes a compact mixed use form of development.

- The study area consists of typical single-family dwelling lots, which would be difficult to consolidate for comprehensive development as per Options 1 or 2. No land assembly would be required for this option.

- This option would be consistent with development which has already occurred at Nos. 505, 535 and 537 Queenston Road, where dwellings have been converted for commercial use. In addition, commercial development, with "HH" (Restricted Community Shopping and Commercial) District zoning, is interspersed with multiple residential development to the east on Queenston Road. Therefore, this option would not be out of character with mixed use development in the area.

- The study area is located at the periphery of the Neighbourhood; therefore, there would be no intrusion of commercial uses into the residential areas within the Neighbourhood. Furthermore, Queenston Road is an arterial road and serviced by public transit.

- The low profile character of the area could be maintained, which would help minimize impacts on abutting residential uses, namely the townhouses to the north.

- The lots within the study area are appropriate for conversion to low impact commercial uses. For example, they should be large enough to accommodate required parking on-site. Also, sufficient lot depth and rear yard setbacks are provided by the existing dwellings, to provide a buffer for the adjacent residential uses to the north. It should be noted that there are other similar areas in the City where the planning documents have been amended to allow dwellings to be converted for commercial uses (e.g. Upper James Street –Wembly Road to Southbend Road).

- The existing buildings, which appear to be in relatively good condition, could be retained and/or re-used.

- This option recognizes that some of the buildings may be retained solely for residential use. It allows the flexibility to convert for commercial uses, or remain as a primary residential use.

- This option may provide some home-business situations within existing buildings.

- According to the Department of Public Works and Traffic, this Option would have the minimum traffic impact.

IMPLEMENTATION STRATEGY:

The following measures are recommended to implement Option 3 b) Mixed Uses – Commercial Conversions and Dwellings.

1. Official Plan Amendment

Since the subject lands are designated "Residential", an Official Plan amendment would be required to allow limited commercial uses. There is no appropriate mixed use designation in the Official Plan, therefore, the "Residential" designation should be retained and a new "Special Policy Area" should be established for the subject lands. The "Special Policy Area" should permit limited commercial uses within the "Residential" designation, provided the following criteria can be met:

- Appropriate buffering is to be provided between the commercial uses and adjacent residential uses to mitigate potential adverse impacts, such as such as negative visual impacts, reduced privacy, increased noise, and light from parking. In this regard, measures such as setbacks, landscape strips and visual barriers may be used.

- The proposal provides streetscape features and enhancements consistent with the low profile character of the area, such as limitations to existing structures, limited alterations to dwelling facades, limitations to low ground oriented business identification signs, the provision of landscaping along Queenston Road and Woodman Avenue, and the preservation of existing vegetation where feasible.

- Parking may be provided in rear or front yards, providing the criteria for buffering and streetscaping above can be met. Sufficient parking and maneuvering are to be provided on site for the commercial use and any residential component.

2. Neighbourhood Plan Amendment and Design Guidelines

The study area will require a redesignation from "Low Density Apartments" to "Single and Double Residential and Commercial Conversions".

Design guidelines should be endorsed for the area and incorporated as part of the Approved Neighbourhood Plan. This can be done by including a note on the Plan referring to the Guidelines approved by Council. The Design Guidelines would provide direction to property owners when they convert dwellings for commercial uses by illustrating how the criteria set out in the proposed Official Plan Amendment (above) could be met. A set of Guidelines should be prepared, based on the Design Concepts, attached as APPENDIX "C".

3. Zoning Amendment

The "B-1" (Suburban Agriculture and Residential, etc.) District zoning does not permit the types of commercial uses anticipated for the study area. Three ways in which the By-law could be amended to implement Option 3 b) have been identified.

(a) A City Initiative To Rezone The Entire Study Area To Allow Limited Commercial Uses And Single Family Residential Uses

This method would involve a City Initiative rezoning to modify the "B-1" zoning for the entire study area to allow for a limited range of low impact commercial uses in addition to the residential uses permitted. A suitable list of commercial uses would have to be approved. Furthermore, development standards would have to be comprehensive to allow the range of possible design alternatives, such as front or rear yard parking, shared accesses, buffering and landscaping, etc.

(b) A City Initiative To Rezone Only Those Properties Being Used for Commercial Uses

This method would involve a City Initiative rezoning, only to recognize those properties, which have been converted for commercial uses in contravention of the Zoning By-law. Both these properties, 509 and 531 Queenston Road, are being used for uses (i.e. denture clinic and medical office) which would be consistent with the types of uses anticipated under Option 3 b). A City Initiative rezoning should incorporate appropriate regulations as per the above design concepts. It should be noted that these properties may not have been developed in accordance with these standards, therefore, some site improvements, such as the provision of landscaped buffer strips may be required. Other properties within the study area would remain zoned "B-1" for residential use. If they decide to convert for commercial uses in the future rezoning, applications would have to be submitted by the property owners.

(c) No City Initiative Rezoning

In this case, the City would not initiate a rezoning at this time. Individual property owners would be left to file applications if they wish to convert their dwellings for commercial use. The properties at Nos. 509 and 531 Queenston Road would likely have to submit applications in the near future to deal with their Orders To Comply.

It is felt that option (b) Rezone Only Those Properties Being Used for Commercial Uses should be endorsed for the following reasons:

- Properties used for residential purposes would continue with residential zoning, therefore, there should be no change in property assessment for them as a result of this study.

- It allows the City to evaluate each proposal on its own merits when individual properties are redeveloped. In this regard, the City can review the nature of the use and the design features, such as the provision of parking, landscaping, etc.

- It allows for site specific zoning amendments tailored to each proposal, rather than a comprehensive By-law for the study area. The City would maintain greater control over the nature of uses through site specific By-laws. Furthermore, an area By-law

would have to allow for all possible design alternatives, such as front or rear yard parking. Site specific By-laws will better reflect the requirements and conditions of each property and could reduce the need for minor variances.

- It would recognize the existing uses, which are not properly zoned, and ensure that all standards are met for these properties.

The principles outlined in the Design Guidelines should be incorporated into all site specific Zoning By-laws.

4. Site Plan Control

The "B-1" District is not subject to Site Plan Control. However, recent development proposals of the type anticipated by Option 3 b) are routinely placed under Site Plan Control. Nos. 535 and 537 Queenston Road were both placed under Site Plan Control. Furthermore, this would ensure implementation of the design criteria in the proposed Official Plan Amendment and the features proposed in APPENDIX "C". Accordingly, all lands being rezoned to allow commercial conversions, including 509 and 531 Queenston Road, should be placed under Site Plan Control.

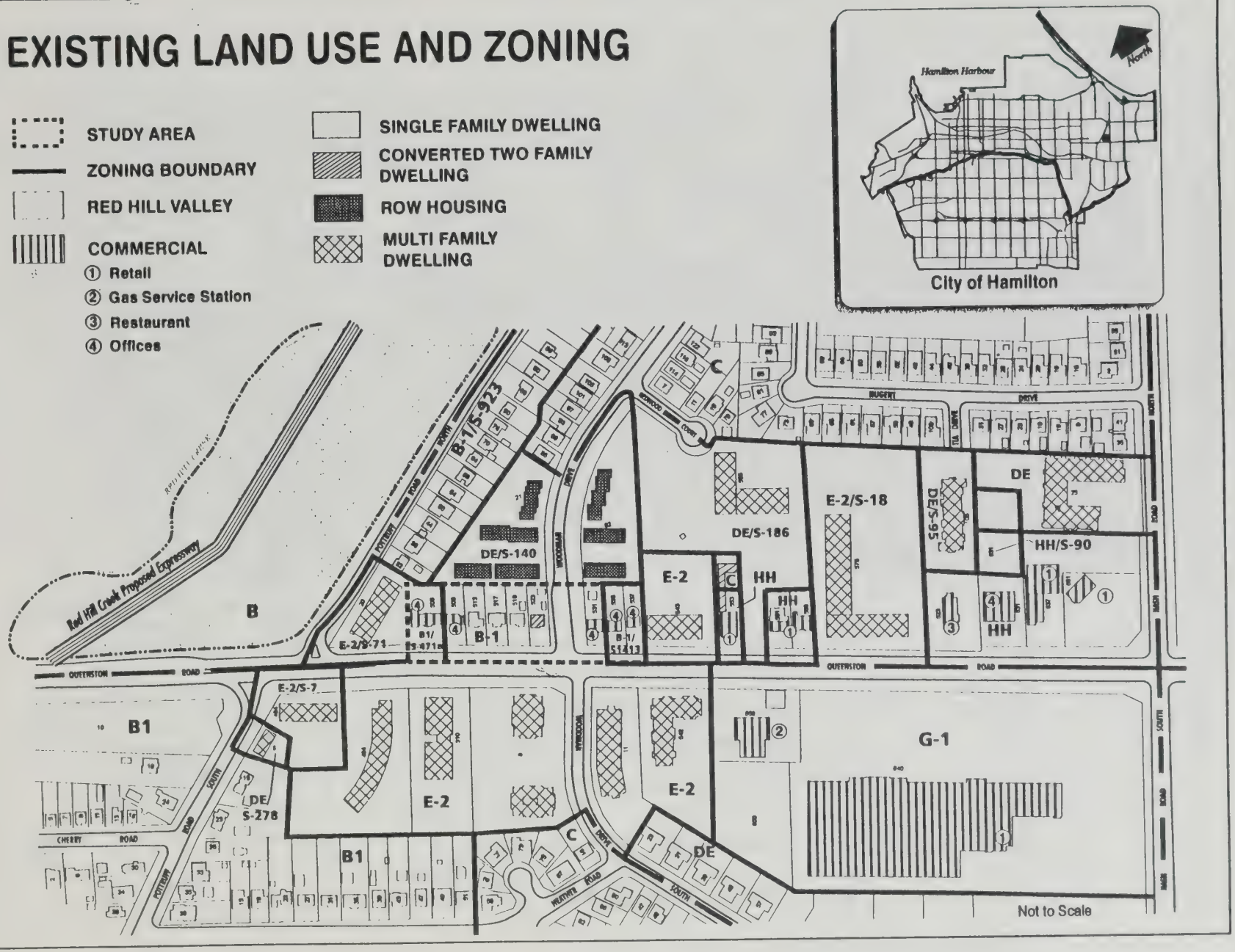
CONCLUSION:

Land Use Option 3b Mixed Uses – Commercial Conversions and Dwellings, as outlined in this report and detailed in the *Neighbourhood Plan Review – Kentley Neighbourhood Lands Located at 505 to 537 Queenston Road, March 1999*, is recommended as the land use option for the subject lands. The Community Planning and Development Division should be directed to undertake the appropriate Official Plan Amendment, Neighbourhood Plan Amendment (including Design Guidelines) and Rezoning to implement Option 3b Mixed Uses – Commercial Conversions and Dwellings.

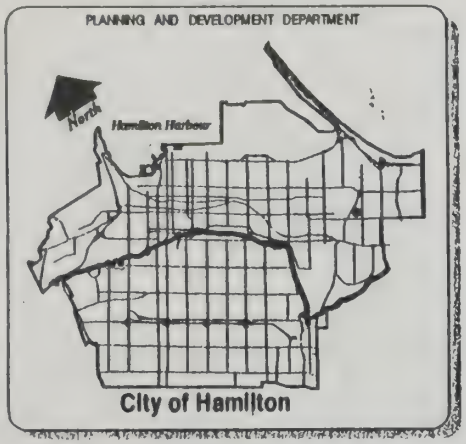
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EXISTING LAND USE AND ZONING



APPENDIX A

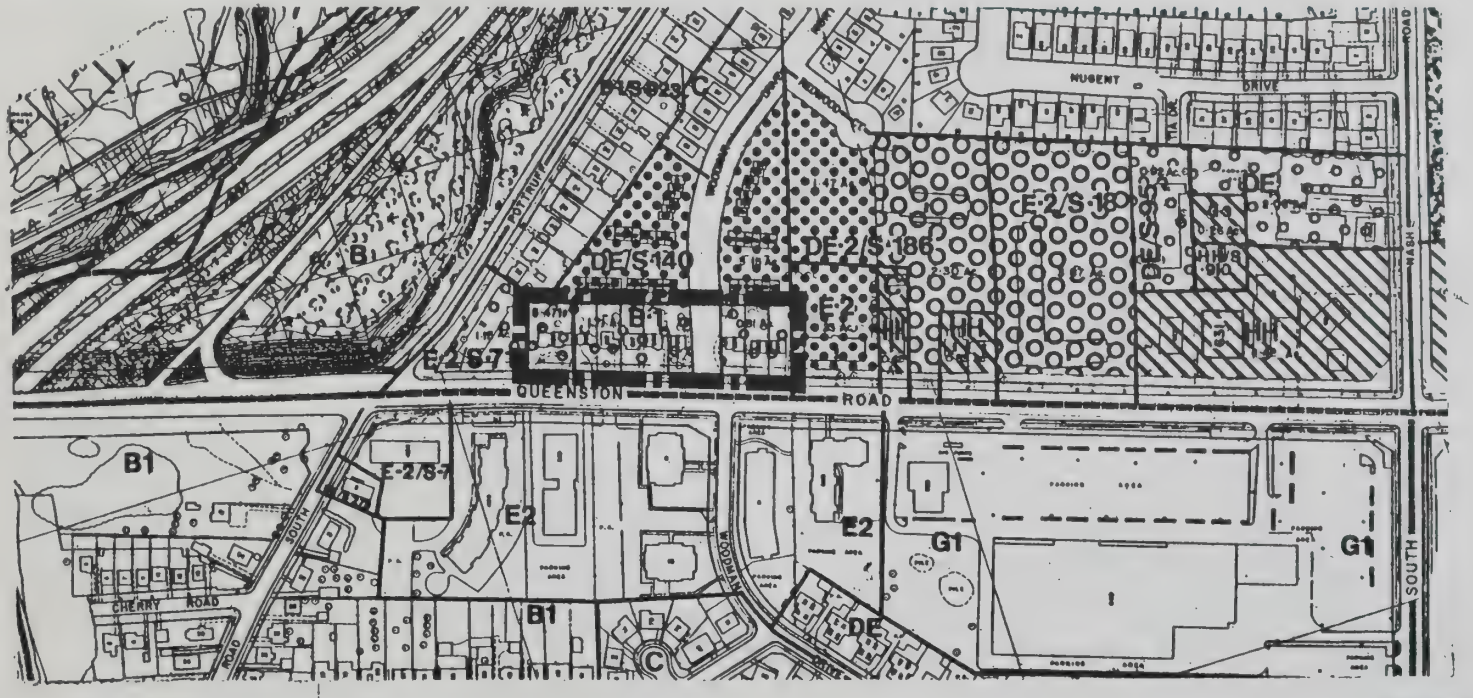


Excerpt of Kentley Approved Plan

RESIDENTIAL

- Single & Double
- Attached Housing
- Low Density Apartments
- Medium Density Apartments
- High Density Apartments
- Commercial and Apartments
- Neighbourhood Boundary
- Study Area

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- Zoning Boundary



Not to Scale

APPENDIX B

PROPOSED CONCEPTS FOR DESIGN GUIDELINES

1. Buffering

Visual Barriers
- 1.2 m to 2.0 m high visual barrier along rear lot lines, adjacent to residential uses.
- 1.2 m to 2.0 m high visual barrier along any side lot line, which abuts a residential use.

Landscape strips
- The entire rear yards should not be paved to provide for parking. A minimum 3.0 m landscape strip should be required along rear lot lines, to include vegetation suitable for buffering purposes.
- 1.5 m wide landscape strip along any side lot line which abuts a residential use or district.

Setbacks
- A minimum setback of 3.0 m (landscaped strip) along rear lot lines for any parking area.
- The minimum yard setbacks must be maintained for all buildings.

Lighting
- Although lighting for parking areas might be required for safety purposes, it should also be sensitive to adjacent residential uses. For example, consideration should be given to the type of lighting, the location of standards, and methods of directing light away from residential uses.

2. Streetscape

Existing Buildings
- Commercial uses should be restricted to existing buildings. Changes to building facades should be limited. All required setbacks should be provided and maintained.

Signage
- Business Sings should be limited to low ground signs, similar to those for existing commercial uses in the area, or a name plate type sign.
- Ground signs should not exceed an area of 0.6 m^2 and vertical dimension of 0.9 m.
- Name plate type signs should not exceed an area of 0.2 m2
- Pylon ground signs or wall signs should not be permitted.

APPENDIX C

Landscaping

- Existing vegetation should be maintained whenever possible.
- Street trees along Queenston Road should be preserved.

- Entire front or rear yards should not be paved to provide for parking.
- Landscape treatment is to be provided along Queenston Road, whether parking is located in the front or rear yard. If parking areas are provided in the rear yards for the corner lots, landscape treatment is also to be provided along Woodman Avenue.
- Landscape strips should be consistent with the minimum requirements for commercial zones: a landscaped strip along the entire streetline of a minimum average width of 2.0 m, but not less than 1.0 m (excepting access driveways).

3. Parking and Access

- Depending upon site characteristics, parking areas may be located in the front or rear yards, subject to the buffering and landscape principles above.
- No new accesses are to be created. The sharing and co-ordination of accesses between abutting properties will be encouraged.
- Required parking and maneuvering must be provided on-site. Vehicles must be able to maneuver on-site. Situations which require vehicles to back out onto Queenston Road will not be permitted.
- Parking areas should not encroach into the road allowances.
- Sufficient separation should be provided between the parking areas and pedestrian sidewalks on municipal streets.

Office of the Municipal Clerk
Memorandum

6.

TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. J. Schatz
Municipal Clerk

PHONE: 546-2727

DATE: May 12, 1999

SUBJECT: Correspondence respecting the Hamilton Harbour Commissions' Land Use and Development By-law referred from City Council

City Council at its meeting of May 11, 1999 referred the above-noted correspondence from R. Scott Smith, Secretary to the Board of the Commissioners, Hamilton Harbour Commission, attached hereto, to the Planning and Development Committee.

TA/mjw

Attachment

c. Lee Ann Coveyduck, General Manager
Community Planning and Development

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-[illegible]
General Office 905-528-6554

The Hamilton Harbour Commissioners

April 26, 1999

The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attn: Mr. J.J. Schatz
Municipal Clerk

Dear Mr. Schatz;

RE: Amendments to the Hamilton Harbour Commissioners' Land Use and Development By-Law

The Hamilton Harbour Commissioners, at their board meeting of April 22, 1999, passed the following resolution:

"THAT the Hamilton Harbour Commissioners make the annexed By-law Amending the Hamilton Harbour Commissioners' Land Use and Development By-Law."

This By-Law Amending the Hamilton Harbour Commissioners' Land Use and Development By-Law is served upon the Corporation of the City of Hamilton pursuant to subsection 20(2) of the Hamilton Harbour Commissioners' Act.

Yours Truly,
THE HAMILTON HARBOUR COMMISSIONERS

R. Scott Smith
Secretary to the Board of Commissioners

cc. Mr. R. Morriss
Director General
Port Programs and Divestiture

ATTESTATION

This is to certify that a true copy of the *By-law Amending the Hamilton Harbour Commissioners' Land Use and Development By-Law*, as adopted in a resolution dated 22 April, 1999, was personally served on me on 26 April, 1999, pursuant to subsection 20(2) of *The Hamilton Harbour Commissioners' Act*.

ATTESTATION

J'atteste que la copie conforme du *Règlement modifiant le Règlement sur l'aménagement et l'utilisation du havre de Hamilton*, adoptée par la résolution du_____avril 1999, m'a été personnellement signifiée le _____ avril 1999, en vertu de l'article 20(2) de la *Loi des commissaires du havre de Hamilton.*

Signature

DARRYL LEE - ASSISTANT MUNICIPAL CLERK.

Name (in capital letters) / Nom (en majuscules)

City Clerk of Hamilton or Alternate / Greffier de Hamilton ou Suppléant

RESOLUTION

The Hamilton Harbour Commissioners in full meeting assembled on __22_ April, 1999, HEREBY RESOLVE

That The Hamilton Harbour Commissioners make the annexed *By-law Amending the Hamilton Harbour Commissioners' Land Use and Development By-Law.*

CERTIFICATE

I hereby CERTIFY the foregoing to be a true copy of a resolution passed on ____22___ April, 1999.

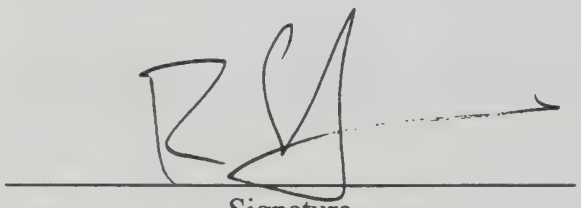
RÉSOLUTION

Les Commissaires du havre de Hamilton, réunis en assemblée générale le ____ avril 1999, déclarent :

Que les Commissaires du havre de Hamilton prennent le *Règlement modifiant le Règlement sur l'aménagement et l'utilisation du havre de Hamilton*, ci-après.

CERTIFICATION

J'atteste que le texte ci-dessus est la copie conforme du texte de la résolution adoptée le _____ avril 1999.



Signature

R.S. SMITH

Name (in capital letters) / Nom (en majuscules)

Secretary To The Commissioners

Title / Titre

Notice is hereby given that The Hamilton Harbour Commissioners, pursuant to sections 15 and 20 of *The Hamilton Harbour Commissioners' Act*[a], proposes to make the annexed *By-law Amending the Hamilton Harbour Commissioners' Land Use and Development By-Law.*

Interested persons may make representations concerning the proposed By-law to the Minister of Transport within 30 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be sent to Mr. R. Scott Smith, Secretary, The Hamilton Harbour Commissioners, 605 James Street North, Hamilton, Ontario L8L 1K1. (Tel.: (905) 525-4330; Fax: (905) 528-6282)

THE HAMILTON HARBOUR COMMISSIONERS
R. SCOTT SMITH
Secretary

[a] S.C. 1912, c. 98

10000-247
(SOR/DORS)

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, pursuant to sections 15 and 20 of *The Hamilton Harbour Commissioners' Act*[a], hereby confirms the annexed *By-law Amending the Hamilton Harbour Commissioners' Land Use and Development By-Law*, made by The Hamilton Harbour Commissioners on , and served on the City Clerk of Hamilton on .

[a] S.C. 1912, c. 98

BY-LAW AMENDING THE HAMILTON HARBOUR COMMISSIONERS' LAND USE AND DEVELOPMENT BY-LAW

AMENDMENTS

1. (1) The definitions "front yard", "rear yard", "setback" and "side yard" in section 2 of the *Hamilton Harbour Commissioners' Land Use and Development By-Law*[1] are replaced by the following:

"front yard", in respect of a lot, means the yard located between the side yards and between the front lot line and the part of a building on the lot that is nearest to that lot line; (*cour avant*)

"rear yard", in respect of a lot, means the yard located between the side yards and between the rear lot line and the part of a building on the lot that is nearest to that lot line; (*cour arrière*)

"setback", in respect of a yard, means the shortest horizontal distance between the lot line and the nearest point of any building located on the lot; (*retrait*)

"side yard", in respect of a lot, means the yard on a side of the lot that extends from the front lot line to the rear lot line and from the lot line at the side to the part of the building on the lot that is nearest to the lot line at that side; (*cour latérale*)

(2) The definition "lot" in section 2 of the French version of the By-law is replaced by the following:

« lot » Parcelle de terre située sur le terrain et dont les limites figurent sur un plan d'arpentage préparé par un arpenteur de l'Ontario ou par un ingénieur du havre. (*lot*)

(3) Section 2 of the By-law is amended by adding the following in alphabetical order:

"Corporation" means The Hamilton Harbour Commissioners as established by *The Hamilton Harbour Commissioners' Act*, Statutes of Canada, 1912, Chapter 98; (*Corporation*)

"front lot line" means

(*a*) in the case of an interior lot, the lot line dividing the lot from the street,

(*b*) in the case of a corner lot, the shorter lot line abutting the street, except if each lot line is of equal length, in which case the front lot line is the lot line from which the principal access is provided, and

---

[1] SOR/90-449

(*c*) in the case of a through lot, the lot line from which the principal access is provided; (*limite de lot frontale*)

"gross floor area" means the aggregate of all the floor areas of a building at each storey including any mezzanine and basement floor areas; (*aire de plancher brute*)

"person" means an individual, association, partnership, corporation, municipal corporation, agent, administrator or trustee and any heirs or executors thereto; (*personne*)

"rear lot line" means the lot line farthest from and opposite to the front lot line; (*limite de lot arrière*)

"street" means

(*a*) a public street under the jurisdiction of a local or regional municipality but does not include an arterial road, or

(*b*) an access road or street constructed and maintained by the Corporation; (*rue*)

"usable floor area" means the gross floor area less the floor area of a cellar, chimney shaft, garbage chute, pipe shaft, elevator shaft, boiler room, air-conditioning room, machinery room and other building plant rooms; (*aire de plancher utilisable*)

2. Sections 3 and 4 of the By-law are replaced by the following:

3. (1) This By-law applies, in accordance with the limitations on jurisdiction and control referred to in section 12 of *The Hamilton Harbour Commissioners' Act*, Statutes of Canada, 1912, Chapter 98, in respect of the use and development of the lands and property, on the waterfront or under water within the limits of the harbour of Hamilton, that are owned by the Corporation or by Her Majesty in right of Canada and are under the administration of the Corporation.

(2) The provisions of this By-law shall not apply to prevent the use of any land or building for any purpose prohibited by this By-law if the land or building was used for that purpose on August 15, 1990.

ZONES

4. The lands shall be divided into zones according to specific types of use, as set out in column I of the table to this section and the zones are referred to using the symbols set out in column II. The zones shall be established in the areas shown in Schedule I in accordance with the legend set out in that Schedule.

TABLE

ZONES

Item	Column I Zone	Column II Symbol
1.	Harbour operations zone	PZ-0
2.	Harbour industrial operations zone	PZ-1
3.	Harbour operations or industrial operations zone	PZ-2
4.	Harbour service commercial zone	PZ-3
5.	Harbour navigation zone	PZ-4

3. Paragraph 8(*b*) of the English version of the By-law is replaced by the following:

(*b*) blood boiling, bone boiling, rendering fats and storing slaughterhouse products;

4. Subsection 9(3) of the French version of the By-law is replaced by the following:

(3) Lorsqu'une zone est attentante à une zone PZ-4, la ligne de démarcation du havre constitue la limite entre les deux zones.

5. The heading before section 11 of the By-law is replaced by the following:

COVERAGES AND SETBACKS

6. (1) Paragraph 11(1)(*c*) of the By-law is replaced by the following:

(*c*) the setback for a building with respect to a type of yard set out in column I of an item of Schedule II shall be not less than the distance set out in the applicable column of columns II to V of that item.

(2) Subsection 11(2) of the By-law is replaced by the following:

(2) Paragraph (1)(*c*) does not apply in respect of

(*a*) the construction or use of any building that is located adjacent to a lot line abutting

(i) a railway right-of-way for which loading facilities are required, or

(ii) a wharf for which loading facilities are required; or

(*b*) the enlargement, reconstruction, repair or renovation of an existing building that was not done in accordance with the requirements of that paragraph at the time it came into force, if the enlargement, reconstruction, repair or renovation does not further reduce the setback of the building.

7. Subsection 12(1) of the French version of the By-law is replaced by the following:

12. (1) Sous réserve du paragraphe (2), la hauteur maximale d'un bâtiment est de 17 m pour la zone PZ-0, la zone PZ-1 et la zone PZ-3 et de 37 m pour la zone PZ-2.

8. The heading before section 14 of the By-law is replaced by the following:

LOADING BERTHS

9. Subsection 17(4) of the By-law is replaced by the following:

(4) No person shall use a driveway for the parking of a motor vehicle for advertising, display or storage purposes.

10. (1) Paragraph 22(1)(*b*) of the By-law is replaced by the following:

(*b*) plans showing the location of buildings to be erected on the lot and the location of all other related facilities, parking areas and garages, loading berths, driveways, signs, signals and landscaping required by this By-law; and

(2) Paragraph 22(2)(*b*) of the By-law is replaced by the following:

(*b*) parking areas, loading areas and driveways, including the surfacing of such areas and driveways;

(2) Paragraph 22(2)(*e*) of the English version of the By-law is replaced by the following:

(*e*) grading, or a change in elevation of the lot, and the disposal of storm water, surface water and waste water from the lot and from any building or work on it;

11. Subsection 24(2) of the Regulations is replaced by the following:

(2) The application shall be accompanied by appropriate plans that show the location of existing buildings on the lot and, if not already submitted, the applicable surveys, plans and

drawings referred to in subsection 22(1).

12. Schedules I and II to the By-law are replaced by the following:

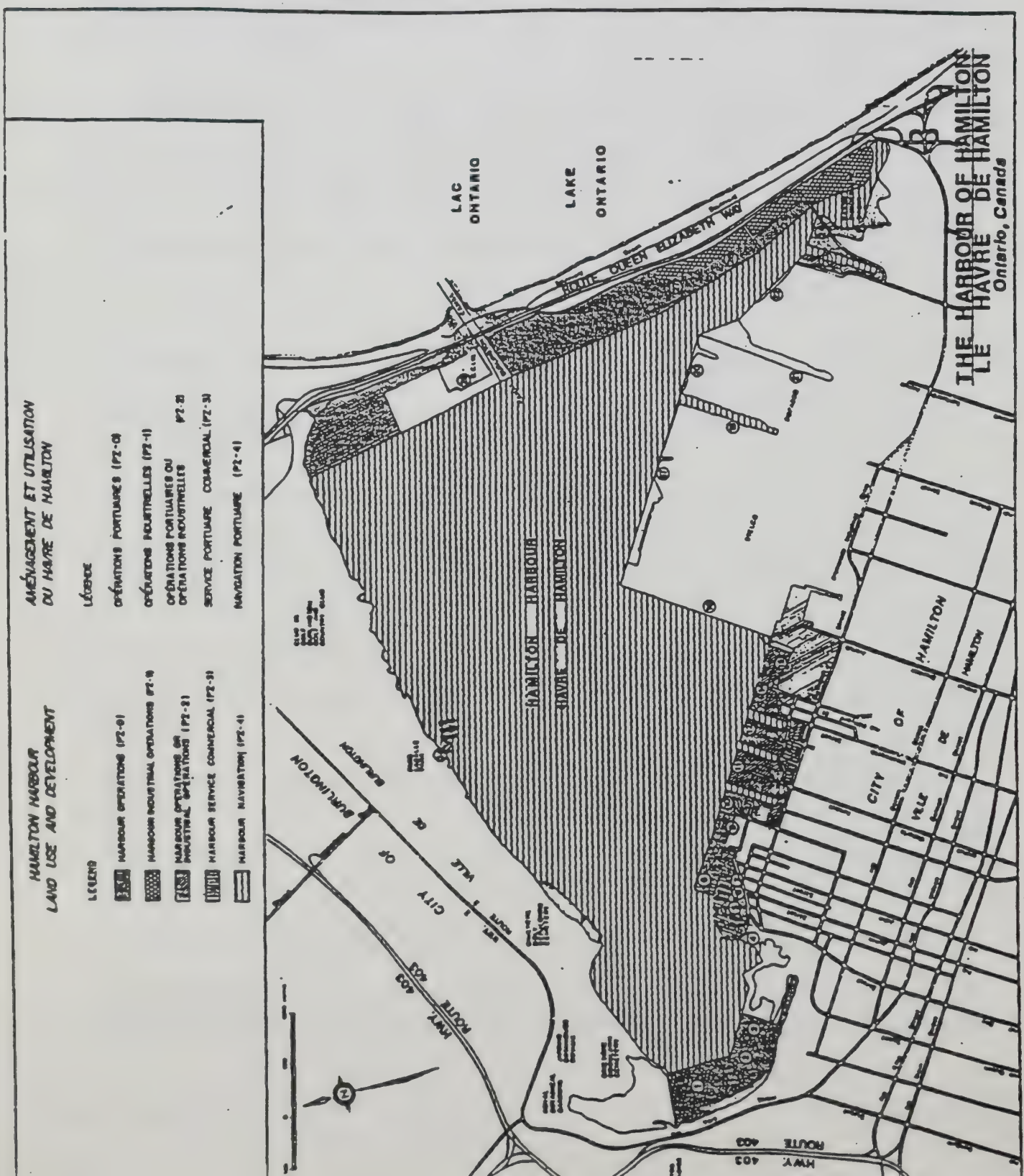
APR 2 1 1999

SCHEDULE I
(Section 4)

ANNEXE I
(*article 4*)

ZONES WITHIN THE LANDS OF THE HARBOUR OF HAMILTON

ZONES DANS LE TERRAIN DU HAVRE DE HAMILTON



SCHEDULE II
(Paragraph 11(1)(c))

REQUIRED YARDS - BUILDING SETBACKS

Item	Column I Type of Yard	Column II Setback (m) PZ-0 Zone	Column III Setback (m) PZ-1 Zone	Column IV Setback (m) PZ-2 Zone	Column V Setback (m) PZ-3 Zone
1.	Front yard on the harbour	6	6	6	6
2.	Front yard on a street	6	6	3	3
3.	Interior side yard	3	3	0	0
4.	Exterior side yard	4.5	4.5	2	2
5.	Rear yard not on an arterial road	3	3	3	3
6.	Rear yard on an arterial road	9	9	9	9

13. Item 2 of Schedule III to the By-law is replaced by the following:

Item	Column I Type of Use	Column II Required Parking Space
2.	Industrial or Warehouse	1 parking space for every 90 m^2 of usable floor area of the industrial building or warehouse or 1 parking space for every two employees working the largest shift at the industrial building or warehouse, whichever is greater

14. The French version of the By-law is amended by replacing the word "exploiter" with the word "aménager" in the following provisions:

(*a*) the portion of section 5 before paragraph (*a*);

(*b*) the portion of section 6 before paragraph (*a*);

(*c*) the portion of section 8 before paragraph (*a*); and

(*d*) subsections 9(1) and (2).

COMING INTO FORCE

15. These Regulations come into force on the day on which they are published in the *Canada Gazette*.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the regulations)

Description

This By-law amends the *Hamilton Harbour Commissioners' Land Use and Development By-Law*. The amendments clarify the intent of the existing By-law and permitted uses in respect of all lands within the Harbour of Hamilton owned by the Hamilton Harbour Commissioners.

More specifically, the amendment clarifies existing definitions and, in some cases, includes new definitions to simplify the text of the By-law. Some amendments correct French terminology in the By-law. The amendments more accurately describe the procedures to be followed before any Hamilton Harbour Commissioners' owned lands may be developed and clarifies the plans to be submitted when the lands are being developed. Lastly, the amendment makes clear that the By-law does not affect private property or private property rights.

Some of the amendments result from questions and issues raised by the Standing Joint Committee for the Scrutiny of Regulations.

Alternatives

Alternatives to this regulation were not considered. The intent of this action is to produce a By-law of greater clarity, certainty and predictability as expressed through minor changes recommended by the Standing Joint Committee for the Scrutiny of Regulations.

Benefits and Costs

These amendments will assist the Commissioners, harbour users and various levels of government in determining the permitted uses and orderly development of Hamilton Harbour Commission owned lands consistent with the objectives for shipping and navigation and harbour development purposes. There are no adverse effects related to these minor amendments nor any impact as to additional cost, market efficiency or employment.

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Consultation

The Hamilton Harbour Commissioners first gave public notice of this initiative in the 1994 Federal Regulatory Plan by stating that based upon experience gained since the By-law was introduced in 1990, certain minor amendments were required.

The Standing Joint Committee for the Scrutiny of Regulations (SJC) has recently asked the Hamilton Harbour Commissioners and Transport Canada to complete the amendment by June 1999.

The amendments have been the subject of discussion at meetings of the SJC. The minutes of this parliamentary committee are public and reflect its concerns and the nature of the amendments.

Compliance and Enforcement

1. Self Regulating
   Compliance with these amendments is obtained by way of enforceable agreements, leases or other instruments before any lands owned by the Hamilton Harbour Commissioners are occupied or used.

2. Issuance of Notice of Compliance
   Use, alteration and occupation, and variances of the use are controlled by a requirement to obtain a Notice of Compliance.

3. Penalty
   Any person found guilty of infringing any of the provisions of this By-law is liable on summary conviction to a fine not exceeding $ 50.00 or to imprisonment for a term of not more than 30 days.

.../3

Contact: R.A. Edwards, P. Eng.
Port Director
The Hamilton Harbour Commissioners
605 James Street North
Hamilton, Ontario
L8L 1K1
Telephone: (905) 525-4330 Facsimile: (905) 528-6282

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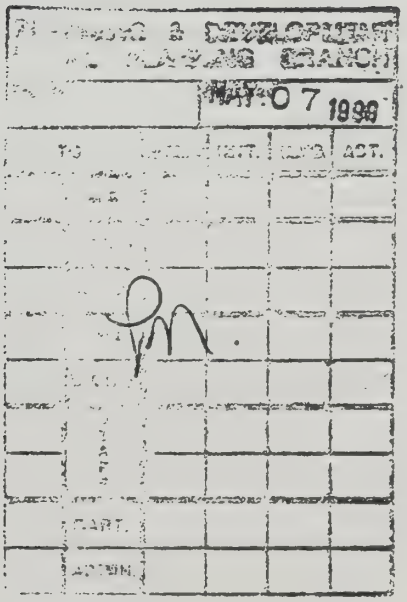
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APR 30 1999

7.

TO:
Planning & Development Committee.
Sec: Tina Agnello:
Fax 546-2095 Phone. 546-2729

From: Jim Gates. 6371421
Fax 6375981



1

1*
Develop*Design*Build
Providing Seniors A Better Lifestyle
806-770 Hager Ave.
Burlington, Ont. L7S 1X1
Phone 637-1421 Fax 637 5981

April 30, 1999

The City of Hamilton
Planning and Development Committee
71 Main St., W.
Hamilton, Ont., L8P 4Y5

Attn: Mr. Frank D'Amico, Chairperson

Dear Sir

Re: 124 Walnut Street, South

Structure existing is a two story orangey red brick exterior (when cleaned) that matches many of the old Corktown homes. In addition to the above, there is a 22 inch poured concrete basement.

The property has dual zoning. A 35 unit seniors apartment building or a 70 bed residential care facility, one extra floor can be added to the existing height. We are to provide only 13 parking spaces.

We wish to proceed with "Recycling" the derelict building into a needed use and pride to the area. We can proceed with either of the above without any further changes to the project, but as the needs of prospective residents have changed since the zonings where obtained, small 400-550 sq. ft. 1 br. apts. have a high vacancy rate in our surrounding area, and alone are not feasible.

We request from the City of Hamilton
1. Our project be treated as it would be in "The Core"
2. (If apts) Permission to build underground parking to encroach on Augusta and Walnut Streets.
3. Parking ramp slope to encroach on Walnut St. as discussed with Bill Ferguson amended to meet city approval.
4. City to allow 4-5 large caliper trees to be planted on Augusta and Walnut Sts. (all paid by applicant) (5 to 6 inch caliper)
5. Our project to receive heritage grant to repair architecturally designed brick façade.

Note: Our building is "on inventory of buildings of architectural and historical interest."

We will provide:

1. New sidewalk over underground parking on Augusta St. and adjacent to same on Walnut St., if apartment project.
2. If retirement house, sidewalks to have snow melt under. Railings on Westside of sidewalk on Walnut St. from Augusta to TH&B underpass.
3. Heat source for above to be provided, operated and maintained by the applicant.
4. We supply, plant and maintain 4 to 6 large caliper trees to meet City of Hamilton arborist approval.
5. We provide free office space for VON or their counter part. This will allow residents to remain with us longer while being able to receive any nursing care needed. This will help the City of Hamilton to keep its health care costs maintainable without putting extra load on nursing facilities.
6. At the south west corner of our project the top floor, if retirement home, will have a working green house. Managed by a local horticultural society to raise flowers for local parkettes with labour supplied by our residents.

Meeting with Bob Morrow for his input he stated the "core area" needed larger apts. in the 800-1500 sq. ft. range to attract residents with higher disposable incomes to live and spend their entertainment dollars within walking distance of their abodes.

The existing 2 upper floor have app. 11' ceilings with concrete columns, beams, perlins and slabs. This would be ideal for loft type units, that prior were not available near the "Downtown Area". We would need to add 2 floors to the existing zoning to generate sufficient income to build such units and to also build an underground parking structure providing a total of 30-34 parking spaces.

Although the building is larger we would only have 27-32 apts.

If a retirement home, the same floor area would not increase occupancy over 70 residents, but their rooms would be more spacious and we would have room for more amenities. The average retirement home has only 10% of their residents with cars. This type facility would employ 8-14 full and part-time employees.

For apts: Our underground parking structure would need to encroach app 7' in Augusta Street right-away with the new side walk starting at the lot line being over the underground parking. NOTE The City of Vaughan has a parking structure under some of it lands On Walnut St. side we would require max 2-3' encroachment with side walk abutting the parking structure. This allows for a landscape strip between the side walk and curb leaving space for snow to be plowed from the streets without blocking sidewalks. We would like to plant 4-6 large mature trees in the city landscape strip at our cost. This would be in return for the City of Hamilton assisting our project as they as projects in "core area."

Either way we build, the project will have all hot water radiant heated floors which is not provided in older existing buildings.

It is too bad to see the Canada Permanent building demolished, but that can make room for an even bigger building.

The Imperial Life building I thought was going to be renovated into apartments with the cities help. It is now being lost to pavement. I understand two more buildings in your "core area" are likely to follow the demolition route.

To bring large high-rise apartment condos to "The Core" investors want to see smaller projects built and prospering on the fringes to prove there is a need for more residences "Downtown".

NOTE Augusta and Walnut St. is much closer to King and James then to Victoria and Main or Hunter and Victoria Streets are.

We can build either 35 apartments or 70 bed retirement house adding 1 floor to the existing structure and provide only 13 parking spaces.

NOTE If we go 70 bed retirement it would be for seniors. Our management team has a background in providing quality care for seniors. They will not introduce psychiatric residences into the facility as they have no expertise in that field. They have advised us it will be so stated in our contract as this would cause great upset with our seniors and they would be moving out when other accommodation is found.

HAMILTON "THE AMBITIOUS CITY"

Indeed it is demonstrating that with "Open for Business" your "core area" redevelopment drive. I have had meetings with Keith Extance and Erin Galante. Both have been very helpful and supportive of bringing more residential units into the "Core Area" and surrounding areas.

Our great nation started with mills, eg: saw mills, grist mills and later steel mills being built on transportation routes, eg: water ways the railways then highways and expressways. In the beginning houses built up around the mills where their employees lived.

Your "Core Area" likely developed the same way with residences being built as close as possible to its perimeters so staff would be within walking distance of their jobs. With the advent of trains busses and streetcars even people from outside the area would come to the "Core Area" because the "Department Stores" were there eg: Eatons and Robinsons. The only other locations for the "Department Stores" were places like Toronto.

Then after the second world war came the automobile age and "Greenscape". Move to the country and buy a home in a survey. This was followed by plazas and malls, some having their own "Department Stores" with acres of free parking

This was the beginning of the blight of the "Core Area". After a serious recession of the nineties, many vacant buildings with high taxes and no hope of attracting commercial tenants. Hamilton has taken a dynamic aggressive step forward to bring more activities to the "Core Area" With elimination of all construction and development fees, providing façade grants and interest free loans for converting these type of properties into quality residential units.

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In their haste to get a quick start on rejuvenating the "Core Area" they drew lines down the center of Victoria Ave., Cannon, Bay and Hunter Streets and declared "This is the Core Area", a long narrow strip of land included in it pockets of properties that in no way need redevelopment.

At the same time leaving pockets with derelict buildings in blocks abutting its perimeters and sometimes being closer to its centre King and James than the outside perimeter the City of Hamilton has designated as the "Core Area limits".

I understood a "core" to be the center point equal distant to all of its perimeter.

I do not feel the new Federal Government Building will do much for the small business in the "Core Area" as the employees will drive into their underground parking space or get off the bus nearest their entrance door, have coffee breaks and lunch likely in their own cafeteria and after work leave as they arrived. Going back to suburbia taking their families out for supper and shopping in the many near by plazas, malls or "Box Stores".

The Federal Building will bring needed taxes to the City of Hamilton. This is a plus.

I spoke to Andrea Horwath and explained that we are looking to be treated the same as a project in the "Core Area". She said she would find that hard to do because others outside the "Core Area" have had their requests refused. If something was done for us this would set precedent. To that I reply!! DAMN IT SET PRECEDENT!!

Be aggressive leaders by helping to clean blights that abut your designated "Core Area" or moving its perimeter limits, you are cleaning up a derelict building, increasing the tax base and with a retirement home creating 8-14 full and part-time jobs.

In the business community we must be flexible at each step of the way with designers, municipalities, financial institutions, suppliers and trades persons to bring our project on stream at a fair cost producing a finished project that all can be proud of and services the needs of its residents. The City must be the same. The "Core Area" seems more interested in tearing down than "recycling existing structures."

It is time to "refocus" and maybe "revise" your "core area" perimeters, to "recycle" derelict buildings around the "core area." Humans must learn from and act like our plants.

Creating your "core area" is like planting roses and raspberries. Some will fault and die but most will prosper and produce beautiful flowers and fruit. Both will send out horizontal roots that will pop up outside their garden, prosper, beautify, produce fruit and again expand. Humans must be flexible and be ready to take the opportunity for expansion when it presents itself. Be more flexible. By expanding perhaps block by block to enlarge your "core area" they will fill in with quality residential projects. These residents will walk into the "core area" thus the businesses will prosper and attract more.

Your hard work and ideas to help rejuvenate the "Core Area" are in some places being shot down in flames. Use those resources, funds and ingenuity to help get a needed project to become a reality.

This could be a very ambitious and change in direction for the City to bring more residential use to ar expanded core.

To have businesses flourish in "The Core" the residential component must be increased. Redevelopment's on "The Core" fringes can help the city reach its goals.

Corktown Neighbourhood Capital

Corktown is not as desirable an area to reside as the Durand district. Abutting the TH&B line is an other negative but this area is in the process of having some homes being renovated. By providing good quality housing either by way of larger apartments or better quality retirement home for seniors to live "Downtown" and make use of the businesses that need their patronage.

"Corktown Area" is a quiet community land locked between Main St. and the escarpment and crisscrossing mountain accesses. It southerly portion is severed by the old TH&B rail line.

This makes it not the most desirable area to attract the most elite of the total population.

West of John St., Augusta is a prime area but east of John redeveloping and upgrading of some homes has been started and is continuing.

The easterly end of Augusta at Walnut is a small industrial area developed in the thirties and forties. Both these buildings did their shipping from a rail siding at their rear.

On the east side of Walnut St. at Augusta was some vacant land adjacent to rundown houses. The city removed these eyesores, cleaned up the complete area and built a picturesque park "The Rose" with a meandering path to the "Irish Pub" "The Corktown House."

The city has planted "The Rose." Let it send its roots to pop up on the west side of Walnut on the south side of Augusta. Recycling of this eyesore could spread to include the warehouse to its west. This could set an example for the four row houses on the south side of Augusta to upgrade to attract professionals or semi professionals to make them their addresses.

This could be somewhat similar to the five row houses renovated on the east side of Catherine between Cannon to Wilson St. You see they "set the precedent" for others to follow This will likely follow when our project is complete.

"Corktown" possibly in the past could have been home of the fighting Irish. Today "Hamiltons Diamond In The Rough." It has already started to upgrade. Help it along. The Corktown Neighbourhood Plan Oct 1997, I refer you to page 5 K). and goal, Page 6 Heading 8, "allow mature trees to dominate the landscape." Our view, complete with 5-8 inch caliper trees, 30-40 feet, which we wish to provide for our streetscape on city land at our cost.

NOTE NOTE Page 6 policies a) b) & c) from railway north 6 story buildings would be permitted. As we abut the railway on south side we see stepping down to 5 stories as a reasonable progression without inhibiting abutting residents their view of the escarpment. Page 7 a) & b), if apartments we wish to either keep and lease or condo but reside in one unit ourselves. If retirement home we will keep this project as not only an investment but as high profile community involved facility. P. 8d) Our building will be stripped of old paint and both the existing and its addition will be completely (except for windows) covered with green vinyl chain link fence to support an ivy that will assist in cooling the building in the summer while adding greenery to the area. This ivy will loose its leaves in the fall thus absorbing sonar energy during the heating season.

The wall abutting the railway overpass will have an ivy that retains its leaves all year. As they grow @ ¼ to ½ the rate of the ivy on the building. they will be planted at the bottom and also at the top to grow over the wall and hang down. This could be continued across the bridge.

If retirement home, our vegetable food waste and most paper waste could be recycled by vermination. The by-product is a very high quality plant food. This will be used in a greenhouse on the top floor at the south west corner of our project. It will be managed by a local horticultural society to grow flowers to be used in some city projects to beautify our city. Our residents will supply much of the labour required. We want this to be a model for being environmentally friendly. We would provide a free office for VON or their counterpart to provide any nursing or extra home care that our residents might require. This would have a two fold benefit.

1. Allowing our residents a longer stay with us.
2. Helping the city and region keep its health care costs lower while keeping its need for more nursing home beds, at a financially acceptable level.

Page 9 11f) addressed prior
Page 14, 17a) & b) Corktown, or portion thereof should get the same benefits as the "core area" or be made part of "core area."
Page 15, Goal policies a) to assist a worthy project both moving quickly and giving financial support as in the "core area."

Other than the railroad line with only a few slow moving trains passing we feel this could be a good area for a Senior's Retirement Home.

In summary, we feel our project would be a perfect fit to start the revitalization of Corktown from its park westward.

Reasons

1. The project is across a very low traffic street from a picturesque park.
2. If Walnut and Augusta Sts. where to be a 3 way stop streets, as your traffic department has previously stated could be possible if the need was proven, this would make it a very safe crossing for our cherished seniors.
3. If they wished to go to "The Pub" for a pint they could achieve this without fearing to cross heavy traveled arteries.

4. Because of our quiet location, and if the city permits us to plant large caliper trees on the perimeters of the street sides, it would be the same as residing in urban or semi rural areas that surround our city, but within one to two blocks we have Hunter and John Streets which are busy bus routes taking riders to all destinations in the City.
5. We are close to all shopping and entertainment, as well as, 3 blocks from the Hamilton Go Centre.
6. Our project is unique as 2 floors are both at ground level.
7. We can provide a secured garden area on the north side which will be shaded and cool for residents wishing to sit outdoors in the summer without being in direct sunlight.
8. For those preferring to be on the sunny side we will have a patio area facing the escarpment and Corktown Park.
9. Our building would be completely vined over green vinyl coasted chain link fencing to protect the masonry and provide air space between the masonry and vines to create a natural air conditioning to assist in cooling the building in the hot weather.
10. The concrete wall abutting railroad would be vined with a type that keeps its leaves throughout the year.
11. If retirement home, we will have a vermination room in the basement to recycle all vegetable and most paper waste. This top quality plant food will be used in our greenhouse and landscaping areas.

Some background on my heirs.

1. Although I now live in Burlington, I have deep roots to Hamilton and if this project goes apartments I wish to keep one for my HOME or purchase a home in close proximity.
2. My mother was born in 1899 and was raised at 168 Mary St. My grandfather, Edward Mills, was the oldest employee @ W.E Sanford and Co. working there over 50 years when it closed.
3. Her sister, Olive Mills, moved to Buffalo and became a renowned artist and donated $25,000 to the Library or Public Post Office to have a plaque in honour of their father placed on one wall.
4. My father and his cousins grew up on both side of Wellington St. between Robert & Barton.
5. His last cousin, Bill Burns, died in early 1970 living in the family home @ 223 Wellington North two doors north of Robert.
6. My dad and cousins when young, their families kept their boats tied up behind the Burns' house.

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7. My great grandfather, Joseph Lancaster Gates, was the largest detective to ever be on the Hamilton Police force. When he died he weighed over 400 lbs. In the late 1800's, by himself, he brought back a Hamilton bank robber on the train from New Orleans. It was rumored he also carried back thousands of dollars in a carpet bag. He also brought back a Remington powder and ball revolver with powder flasks and ball mold similar to the one in Saturday April 1/99 Spec which was auctioned out west. Our family still has the revolver. His picture hung for many years in the main Hamilton Police Station.

Lastly I repeat "DAMN IT SET PRECEDENT."

Continue to be aggressive. Make projects happen, not maybe where you first intended but where the potentials are, needs are and private enterprise is ready to commit to a quality project that can serve to be a catalyst for others to expand on.

In the Corktown Community Profile of Nov/97 our property was noted of pages 21 6.6 to 22 of this report. Page 25 8.7 we are prepared to give rent free and office and assessment room in our project for the betterment of health care for Corktown residents. Page 40 12.1, everyone agrees that Corktown needs to improve its image. This can only happen by a higher quality of residential units. No better place to start than next to Corktown Park.

Any criticisms I have made are purely constructive only and are submitted as to my view to help Hamilton achieve its goal of a vibrant and prosperous "core area."

If anyone has any comments, pro or con, I would be happy to meet to hear others views, hoping to make our project even better. Please contact the undersigned.

Jim Gates
Jim Gates
Phone # (905) 637-1421
Fax # (905) 637-5981

P.S. Also a special thanks to the following

Nina Chapple
Vanessa Grupe
Hazel Milsome
Ruth Schofield
Jim Claremont

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 11, 1999

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Intent to Designate Auchmar, 88 Fennell Avenue West under the Ontario Heritage Act

RECOMMENDATION:

a) That approval be given to the Intent to Designate the former estate of the Hon. Isaac Buchanan, known as Auchmar, at 88 Fennell Avenue West, as a property of historical and architectural value, pursuant to the provisions of Part IV of the Ontario Heritage Act, 1997, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and,

b) That the Director of Legal Services and Corporate Counsel be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The Local Architectural Conservation Advisory Committee (LACAC) at its meeting held July 6, 1998 reconfirmed the eligibility for designation of Auchmar, including the historic house, stable building, dovecote and stone walls.

At its meeting on March 8, 1999, LACAC agreed that a site visit should be arranged for Committee Members and directed Staff to prepare the Reasons for Designation. The site visit took place on March 24, 1999. Members present, walked around the entire site, examining all of the buildings (exterior only) and landscape features.

The Auchmar property comprises a 9.65 acre parcel of land at the north-east corner of Fennell Avenue West and West Fifth Street (opposite the Hamilton Psychiatric Hospital), which is the surviving portion of the original 86-acre estate of Isaac Buchanan (named Claremont Park). It includes the original Gothic Revival villa, stable building,

dovecote and stone walls, all dating from the 1850s. Also still standing is the entrance lodge located on the mountain brow, now a private residence at 71 Claremont Drive, which marks the original main entrance to the estate. Visitors arriving at the entrance lodge, approached the villa by a long straight tree-lined avenue, vestiges of which survive on the present-day grounds. There is, however, no longer any through access to the Auchmar property from Claremont Lodge as all of Buchanan's property between West Fifth, Upper James Street, Fennell Avenue and the Mountain brow (except for the present 9.6 acre parcel of land) was subdivided for housing before or soon after World War II. The reduced estate was sold to the present owners, the Sisters of Social Service in 1945.

The Sisters now intend to sell all of the Auchmar property except for a small parcel of land on which the stable building (their residence) is located. The property at large is currently zoned for single-family dwellings ("C" District). In August 1998, the Sisters submitted an application on behalf of the prospective owners (Bucci/Chiaravalli Group) to establish a draft plan of subdivision "Auchmar Village" for townhouse units and a seniors retirement home, to include a public roadway with accesses from Fennell Avenue and West Fifth. The original villa is to be retained but as yet no definite use for the building has been determined by the prospective purchasers. The Planning and Development Department has recommended denial of the subdivision application and the required zoning changes, principally on the grounds that the proposed housing development does not provide for the conservation of significant heritage features; it constitutes an over-intensification of land use and is not in keeping with the established residential character (single-family homes) of the surrounding area. This recommendation was tabled by the Planning and Development Committee at its meeting held December 8, 1998, in order to provide an opportunity for the applicants, City Staff, neighbourhood residents (represented by the Southam Area Association), and Ward Aldermen to meet to discuss the issues and hopefully reach an agreement. As yet, no consensus has been reached.

At its meeting held November 16, 1999, LACAC recommended that the proposed redevelopment of the site not be supported because of the loss of rare heritage features and further recommended that a letter be sent to the Historic Sites and Monuments Board of Canada requesting that Auchmar be evaluated for recognition as a National Historic Site. It is already recognized as a provincially significant and is commemorated by a plaque erected in front of Claremont Lodge.

The Sisters recently applied for a severance for a small piece of the property including the stable building and surrounding garden, which they intend to retain possession of. The application has been tabled twice by the Committee of Adjustment at the request of the Sisters' lawyer (last meeting held on May 5, 1999).

attached

cc Mayor R. M. Morrow
Alderman F. D'Amico, Ward 8
Alderman D. O'Sullivan, Ward 8
V. Abraham, Director, Planning and Development Department
N. Chapple, Planning and Development Department
R. Roszell, Director of Legal Services and Corporate Counsel

APPENDIX "A"

Auchmar

88 Fennell Avenue West, Hamilton

REASONS FOR DESIGNATION

In 1852, Scotsman Isaac Buchanan, purchased property on the west mountain for an estate worthy of a successful wholesale merchant, civic leader, and aspiring political figure in the United Provinces of Canada. In 1855, he began building his country manor on lands totalling eighty-six acres. The entire property he named Claremont Park; the walled and landscaped portion he called Auchmar after his family's vast estate on Loch Lomond. This walled estate, consisting of approximately 9.6 acres, is located at the north-east corner of Fennell Avenue West and West Fifth Street.

1850's Country Estate in Hamilton

In Upper Canada during the pre-Confederation era, it was the fashion for wealthy gentlemen to leave their mark on the new country by building magnificent country estates. For over a century Hamilton was distinguished for its legacy of elegant country villas dating from this period, most of which have been lost with the city's expansion. Auchmar is one of only two such estates on Hamilton mountain to survive intact; the other being Chedoke on the escarpment brow.

In some ways, The Honourable Isaac Buchanan's country estate of Auchmar may be considered a sequel to Sir Allan MacNab's estate of Dundurn. Built twenty years later, on the mountain instead of the bay and in a later architectural style, Auchmar shares many of the same planning and design features found at Dundurn.

Essentially, both properties are modelled after the gentleman's country estate of Britain. Like Dundurn, the entrance to Auchmar was heralded by a gate-lodge, located on its northern-most boundary at the escarpment brow (still existing at 71 Claremont Drive). For the requisite scenic approach to the grounds, Auchmar's driveway was designed as a .5 kilometre treed allee (following today's streets of Arcade and Glenwood Crescents) passing through an arched entranceway (now closed) into Buchanan's secluded private grounds. The treed allee continued southwards towards the main focal point, Buchanan's manor house, a home with presence and dignity, enhanced by landscaped gardens. The drive proceeded to circle around to the south entrance facade of the house, designed as a perfect mirror image of the north garden face.

Buchanan's complex includes additional structures typical of a gentleman's estate: a carriage house, two arched passageways, high garden walls, and a square, two-storey dovecote, all constructed in stone. The first stone wall swings north-east from the archway at the carriage house around to the dovecote, creating a sizeable, south-facing walled garden. A second high stone wall extends along the east border of the property and partially across its north boundary, designed to provide privacy and a shelter for Buchanan's original orchard. Most of this orchard wall still exists as do a number of apple trees believed to be remnants from his original planting. A third low stone wall runs along the south border of the property at Fennell Avenue.

Today, this historic enclave, although little known to the outside community, represents a rare and significant cultural heritage landscape, dating from one of Hamilton's most illustrious building periods. In 1970, Buchanan's Auchmar and its gatehouse Claremont Lodge were recognized and plaqued as a property of Provincial significance.

Picturesque Cultural Landscape

Like Dundurn, Auchmar survives today as a rare and outstanding example of a mid-nineteenth century Picturesque country estate, complete with manor house, outbuildings and landscape features. With its built and natural features integrated into a comprehensive design, Auchmar fully upholds the principles of the Picturesque: its setting is secluded and wooded; its structures and landscaping display an interest in movement and variety; and the choice of design capitalises on the play of light and shadow. The verandahs and terraces (now gone) once served to extend interior space outdoors into the garden, another key component of the Picturesque.

The architect of Auchmar is to date unknown; the landscape design is attributed to George Laing, a British landscape architect responsible for gardens at Dundurn Castle and Rock Castle in Hamilton, and Woodend in Ancaster (presently the HRCA headquarters).

Gothic Revival Style

The manor house of Auchmar is considered to be an excellent, full-blown example of the Gothic Revival style in Upper Canada, characterised by the use of such features as multiple gables, bargeboard decoration, pointed arched windows, bay windows and clustered chimney stacks. The lively and intricate detailing of the Gothic style enhances the Picturesque effect of the whole.

By comparison to the more formal Gothic mansions in Hamilton, like Inglewood and Rock Castle, Auchmar takes the more informal, playful aspects of the Gothic Revival and expands them to the grand scale of a country mansion. Unusual, too, is its interior layout based on a Roman cross plan with the central hallway running the width of the house flanked by staircases at each end. Designing identical front and garden facades, likewise, provided an inventive solution to creating equally important facades: the approach (north) side and the formal entry (south) side.

The Gothic Revival style was also successfully integrated throughout the estate. The interior of the manor house shows gothic detailing in the rib vaulting of the hallway, pointed arched doors, decorative wooden shutters, plaster ceiling, fireplaces, etc. Gothic detailing also appears on all the outbuildings--in the matching diminutive gatehouse, in the carriage house's bargeboard and pinnacles; in the dovecote's bargeboard, cupola and traceried pigeon holes; and in the latticed garden pagoda (now gone).

The Honourable Isaac Buchanan

The Honourable Isaac Buchanan (1810-1883) was a man of many achievements--in business, politics and church affairs. He became one of the country's leading wholesale merchants and together with several other businesses established Hamilton as an important wholesale distribution centre. Buchanan was one of Hamilton's major civic leaders from the 1850's to the 1870's, as a promoter of the railway and as a prominent figure in local politics and the Scottish Presbyterian community. He was also an influential figure in the politics of the United Provinces of Canada.

As Entrepreneur

Isaac Buchanan began his mercantile career in Glasgow as an apprentice with the trading firm, William Guild & Co. and moved to Montreal in 1830. By 1834, Isaac and his older brother Peter were able to establish their own firm, Peter Buchanan and Company, based in Glasgow. In 1840, the wholesale dry goods and groceries firm of Buchanan, Harris and Company was established in Hamilton, with a branch office in Montreal. With Isaac's fearless opportunism and his partners' managerial skills, the Buchanan enterprise expanded rapidly, becoming one of the largest and most profitable wholesale businesses in Upper and Lower Canada. Isaac Buchanan played an instrumental role in the formation of boards of trade, becoming first president of the Toronto Board and later the Hamilton Board (formed in 1864).

As Politician

Throughout his life Isaac Buchanan was passionately engaged in politics. In the early 1840's, he served as representative for Toronto in the first Legislative Assembly of the Province of Canada. He later served several terms as Hamilton representative (between 1857 and 1867) and was also appointed president of the Executive Council in the 1864 Tache Macdonald administration. He also deserves much of the credit, along with Sir Allan MacNab, for bringing the Great Western Railway to Hamilton.

As Religious Leader

As a man of religion, Buchanan gave liberally in time and wealth to Presbyterian causes and churches across the country. He was strongly committed to promoting the Knox "free" church, donating to the building fund for the first Knox Church in Hamilton (1845) and later bearing the major cost of erecting the MacNab Street Church (1856).

History of Site

The Mountain estate of Isaac and Agnes Buchanan, with its spacious villa and landscaped grounds, provided a fitting setting to raise their large family, entertain dignitaries, and hold church and political functions. Unfortunately, their enjoyment of Auchmar was relatively short-lived. Isaac's increasingly speculative and unprofitable business ventures forced him to begin selling off portions of his landholdings as early as 1862. In 1873, a large parcel to the west was sold for the construction of the Hamilton Asylum for the Insane and the remainder of his property, including Auchmar, was sold the following year to pay his creditors.

After 1874, Auchmar and the remainder of Buchanan's property changed ownership a number of times and continued to be subdivided. Around the turn-of-the-century, Auchmar was owned and occupied by Captain Alfred Trigge and his family. The estate was then acquired by Elsie Buchanan, the youngest daughter of Isaac and Agnes, who in turn sold it to Alan Vernon Young in 1926. During World War II, Auchmar served as a convalescent hospital for the R.C.A.F. The 33-acre property was further subdivided before the remaining portion was sold in 1945 to the Sisters of Social Service, a Roman Catholic order originating in Budapest, Hungary. The Sisters acquired the original building complex and surrounding landscaped grounds (9.6 acres in size) with the intent of opening a novitiate for women studying to become members of the order. The original villa was enlarged in 1963 by the addition of a large rear wing (with a chapel and conference centre) to serve as a retreat house. In recent years, the Sisters have lived in the smaller modernized carriage house.

Significant Features

Many remnants still exist from the layout of Buchanan's original estate but only those features on the present-day Auchmar property are included in the designation.

The features important to the preservation of Auchmar include but are not limited to the following: built and natural landscape features: the manor house, carriage house, dovecote, garden walls (four), treed allee, orchard, walled garden and park-like setting with its open space and mature trees.

Significant features of the manor house include but are not limited to the following: all four original exterior facades--walls, gables, dormers, clustered chimney stacks, all original windows including the castellated bay windows, doors, mouldings, decorative bargeboard, pinnacles/pendants and brackets. Included also on the interior are the first and second storey hallways and vaulting, the staircases, and the original walls, doors, windows, shutters, fireplaces, wood and plaster mouldings, and wood panelling.

Significant features include the exterior facades of the carriage house--original stone walls, gables and dormers, and pinnacles; of the dovecote--the original stone walls, gables, bargeboard, traceried pigeon holes; the original stone garden walls with coping stones, openings and gates; and foundation remnants near the wooded area.

Excluded from designation are the later additions to the manor house, the garage and the Holy Spirit Retreat Centre.

8a)

Terence A. Whelan, Q.C.

BARRISTER, SOLICITOR AND NOTARY PUBLIC

Suite 403, 393 Rymal Road West, Hamilton, Ontario L9B 1V2 • Telephone (905) 383 6381
Fax (905) 383-0816

May 13th, 1999

City of Hamilton and
Region of Hamilton-Wentworth
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Tina Agnello,
Secretary

BY FAX

RE: AUCHMAR ESTATE,
88 Fennell Avenue West, Hamilton

Dear Ms. Agnello:

On behalf of my client, The Sisters of Social Service, I acknowledge receipt today, of a registered letter dated May 12th, 1999 from Charlene Touzel, Secretary, Local Architecture Conservation Advisory Committee, advising my client that the Planning and Development Committee will, at its meeting scheduled to begin at 9:30 a.m. on May 19th, 1999, consider LACAC's recommendation concerning the above-noted property.

In view of the very short notice, the desire of my client to make proper submissions to the Committee and a prior commitment on my part of May 19th, I hereby request that the matter be adjourned to the next available meeting of the Planning and Development Committee.

Unless I hear from you to the contrary, I will assume that the request for adjournment is in order, and that I will receive adequate notice of the date, time and location of the meeting where the matter will be considered

Yours very truly,

TERENCE A. WHELAN, Q.C.

TAW:sm

cc Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SENT BY TERENCE WHELAN QC; 5-13-99 3:46PM; 9053830816 => 905 546 2095; #2

8b)

Office of the Municipal Clerk
Memorandum

TO: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee
Office of the Municipal Clerk

FROM: Charlene Touzel, Secretary
Hamilton Historical Board
Office of the Municipal Clerk

DATE: May 14, 1999

SUBJECT: Letter of Support for Designation and Protection of Auchmar, 88 Fennell Avenue West

Please be advised that the Hamilton Historical Board at its meeting held April 13, 1999, approved the following:

> That the Hamilton Historical Board support the designation and protection of Auchmar, 88 Fennell Avenue West, Hamilton.

C. Touzel

cc Nina Chapple, Planning and Development Department

9.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, May 19, 1999
9:30 o'clock a.m.
Room 233, City Hall

A. **ADOPTION OF THE MINUTES**

Minutes of the meeting held May 3, 1999

B. **GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

Core Heritage 2000 Program, 46 Ferguson Avenue South

C. **GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION**

(i) Authorization for Staff Attendance at an Ontario Municipal Board Hearing – 70 Emerald Street South

(ii) Authorization for Staff Attendance at an Ontario Municipal Board Hearing – 109 Emerson Street.

(iii) Proposed Site Plan Control By-Law – 111 Traymore Avenue.

(iv) Site Plan Control Application DA-99-09, by Hamilton First Church of the Nazarene, owner, for lands located at 92 Ottawa Street North.

D. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

King Street West BIA – Board of Management and Budget and Schedule of Payments for 1999

E. **SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Heritage Permit – 176 Delaware Avenue

F. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, May 5, 1999
Room 233, City Hall
9:30 o'clock a.m.

A.

The Planning and Development Committee met.

There were present:	Alderman F. D'Amico, Chairperson Alderman G. Copps, Vice-Chairperson Alderman F. Eisenberger Alderman M. Caplan Alderman R. Corsini Alderman B. Kelly Alderman F. Eisenberger
Regrets:	Mayor R. Morrow Alderman D. Haining Alderman B. Charters
Also present:	Alderman A. Horwath LeeAnn Coveyduck, General Manager, Community Planning and Development Division Guy Paparella, Director, Planning and Development Victor Abraham, Director, Planning and Development Paul Mallard, Planning and Development Department Bill Janssen, Planning and Development Art Zuidema, Solicitor, Corporate Counsel Willy Wong, Building Department Ed Switinky, Public Works and Traffic Eugene Chajka, Community Planning and Development Division Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

1. **Official Plan Amendment and Zoning Application 99-04, by Ivo Civitarese, owner, for a further modification to the"E-1" District, for lands located at 180 Walnut Street South**

Prior to this Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Submissions were received from the following:

(a) Shirley Walker, 177 Walnut Street South
(b) Joel Jordan, Jordan & Geisel Management, 125 Forest Avenue
(c) Georgina Herod, 150 Young Street
(d) Susan Shannon, 163 Walnut Street South
(e) L.Hagan, 190 Forest Avenue
(f) F. Smith

Paul Mallard advised that the application is for a 45 seat restaurant. In 1994 a similar application came before the Committee and was approved for a two year period which was then appealed by the Ontario Municipal Board.

From a planning perspective the main concerns are regarding parking and incompatibility with the surrounding neighbourhood. The requirement for 8 parking spaces has been reduced to 4. The applicants have applied for a boulevard parking agreement and if successful will have 2.

On a positive note, the proposal is a good adaptive re-use of a historically significant building.

Of 988 notices sent, 18 in favour and 20 opposed.

Ed Fothergill, a planning consultant on behalf of the applicant was present. He advised that at the time of the Ontario Municipal Board hearing the City of Hamilton's outside consultant conducted a parking survey of the area and found that there are parking spaces available during restaurant hours of operation. He suggested that the limited size of the building will help in terms of compatibility. He stated that the applicant is requesting permanent use since it is difficult to get financing for a temporary use establishment.

Colin Eddy of 142 Forest Avenue was present. He stated that he has been before the Committee on previous occasions. He stressed that this is a residential area. He was concerned that a restaurant license would lead to a liquor license and possibly a patio.

Kimberly Eddy of 142 Forest Avenue was present. She stated that the owner of the property has not been a good neighbour. She submitted a letter from a neighbour to the Committee. She was concerned with lack of parking, potential odours, and service delivery traffic.

Hal Costie, President of the Corktown Association was present. He estimated that a 45 seat restaurant will generate approximately 200 vehicles per day. He noted that this proposal is in contradiction with the Neighbourhood Plan. He stated that the area is flourishing as new parks are being developed and new families move in.

Sandy Leibo of 179 Walnut street was present. She was concerned with parking and over the fact that her dos will bark when patrons enter and exit the establishment. She is also concerned about a potential liquor license since she is living with a recovering alcoholic. She stated that she would have never purchased the home had she known she would be living across the street from a restaurant. She advised that Committee that both abutting neighbours are opposed to the proposal.

Micheal Peebles of 18 Foster Street was present. He stated that the proposal is at odds with the Official Plan and will serve to chip away at the neighbourhood. The plan calls for transition areas along Main, John and James Streets where this type of use is allowable, but not in its present location. He disagreed with the survey in that it is extremely difficult to find parking in this area. He was especially concerned over the potential use of the building once it changes ownership.

Susan Shannon of 163 Walnut Street and owner of 140 Young Street was present. She was concerned about the adverse effects to the neighbourhood and the lack of parking.

Mary Pocius of 150 Charlton Avenue East is in favour of denial for all the reasons already stated. She feels that Walnut Street is in transition, and that the disruptions from this establishment at 2 a.m. will cause problems.

Mr. Fothergill stated that alternative uses for the building may be a book store or a gallery; both uses of which require parking. He stated that regarding compatibility, the restaurant would not affect children; in fact, the owner has a petition signed by many of the teachers at the adjacent school who would like to have a restaurant in the neighbourhood. He stated that if the proposal was to be approved temporarily, he would like it to be for a period of 3 years.

Alderman Corsini stated that the neighbourhood is experiencing a rebirth. He is pro business, but in an appropriate location. Parking is at a premium and the proposal is not in keeping with the Official Plan. He is concerned with potential future use of the establishment.

Alderman Horwath disagreed that things are the same as they were in 1994. The residents have spent a great deal of time working on the Official Plan. She stated that there needs to ba a balance between the quality of life and incentive for people to locate in the downtown neighbourhoods. She supports the Planning staff's recommendation.

Alderman Copps stated that the planning issues are substantial. The residents will experience aggravation from this type of establishment. It is important to keep the area vibrant and attractive. She also supports the recommendation.

As recommended in a report from the General Manager, Community Planning and Development Division, dated April 15, 1999, the Committee recommended to Council as follows:

That Zoning Application ZAC-99-04, Ivo Civitarese, owner, requesting an amendment to the Official Plan to establish a new Special Policy Area and a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a restaurant for a maximum of 45 persons within the existing building, for property located at 180 Walnut Street South, as shown on the attached map marked as APPENIDX "A", be denied for the following reasons:

(a) The proposal would be incompatible with surrounding residential uses given the potential for spillover effects (e.g. noise, parking, litter, etc.); and,

(b) It conflicts with the approved Corktown Neighbourhoood Plan which designates the subject lands "Singles/Semis/Row - Conservation Retaining Existing Buildings".

2. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Meeting held April 21 1999

The minutes of the meeting held April 21, 1999 were adopted as circulated.

The following recommendations were forwarded to Council for approval:

B. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION

Downtown Convert/Renovate-to-Residential Loan Program 34-36 Hess St. South dated April 21, 1999:

That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of forty-six thousand, one hundred and ten dollars ($46,110) to Steve Pocmic, Harry Guillo Mancini and Ronald Leslie Kovas, c.o.b. as Intrilectual Investments Inc., for conversion of 34-36 Hess Street South into three residential units be approved, subject to the fulfillment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program.

*Alderman Copps opposed.

C. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

(i) 1999 Annual Conference of the Association of Committees of Adjustment dated April 13, 1999:

That the Chairman of the Committee of Adjustment or his nominee and another member of the Committee of Adjustment be authorized to attend the 1999 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for four days, 1999 June 6 - 9, in Richmond Hill Ontario at an expense not to exceed $940 each to be charged to account CH55201-10010, Legislative Travelling.

(ii) 739 Upper Paradise Rd – Demolition, dated April 15, 1999:

That the Building Commissioner be authorized to issue a demolition permit for 739 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item

The Committee approved the previously received information item as follows:

(a) General Manager Community Planning and Development Division re: Approved Site Plan Control Applications dated April 15, 1999

4. OTHER BUSINESS

(a) The following item was added to the agenda and subsequently approved.

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Application to Remove Part-Lot Control - Lots 59, 60, 61, 62, 65, 70, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2"

The report dated April 15, 1999 was approved and forwarded to Council as follows:

(a) That approval be given to Part Lot Control Application 99-03, DiCenzo Construction Company Ltd., owner, to remove part-lot control for Lots 59, 60, 61, 62, 65, 70, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2", known municipally as 135, 131, 130 and 134 Sulmona Drive, 177 Assisi Street, 115, 111, and 107 Terni Blvd., for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "B"; and,

(b) That the appropriate by-law, to remove part lot control from Lots 59, 60, 61, 62, 65, 70, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2", be enacted by Council; and,

(c) That the exempting by-law be restricted to a 1 year effective time period to expire on June 1, 2000; and,

(d) That following the enactment of this by-law, the Director, Development Approvals, Community Planning and Development Division (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

(b) Alderman Kelly requested that the ZA-98-26 which is on the outstanding list be reviewed to determine if it will proceed.

Paul Mallard advised that the applicants will be given a 21 day notification letter.

4. ADJOURNMENT

There being no further business, the meeting then adjourned.

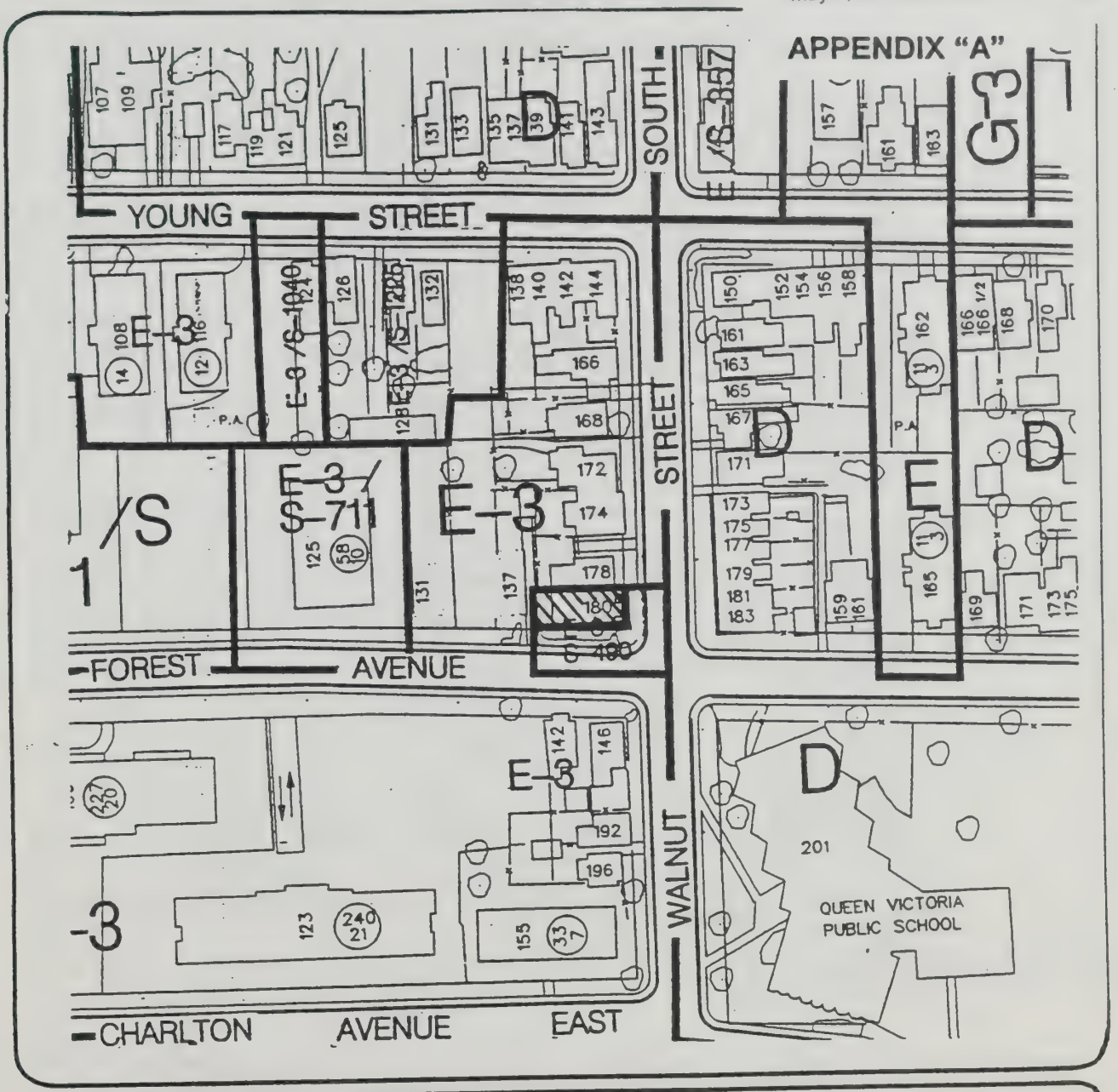
Taken as read and approved.

Alderman F. D'Amico
Chairman
Planning and Development Committee

Tina Agnello
Secretary
/ta

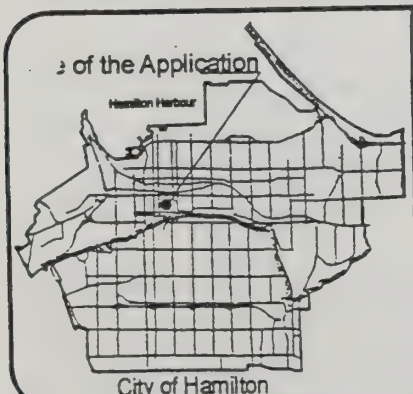
Appendix "A" referred
to in Section 1 of the
Planning and Development
Committee Minutes for
May 5, 1999

APPENDIX "A"



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map



Legend

Subject Lands

Reference file: ZAC-~~99-04~~

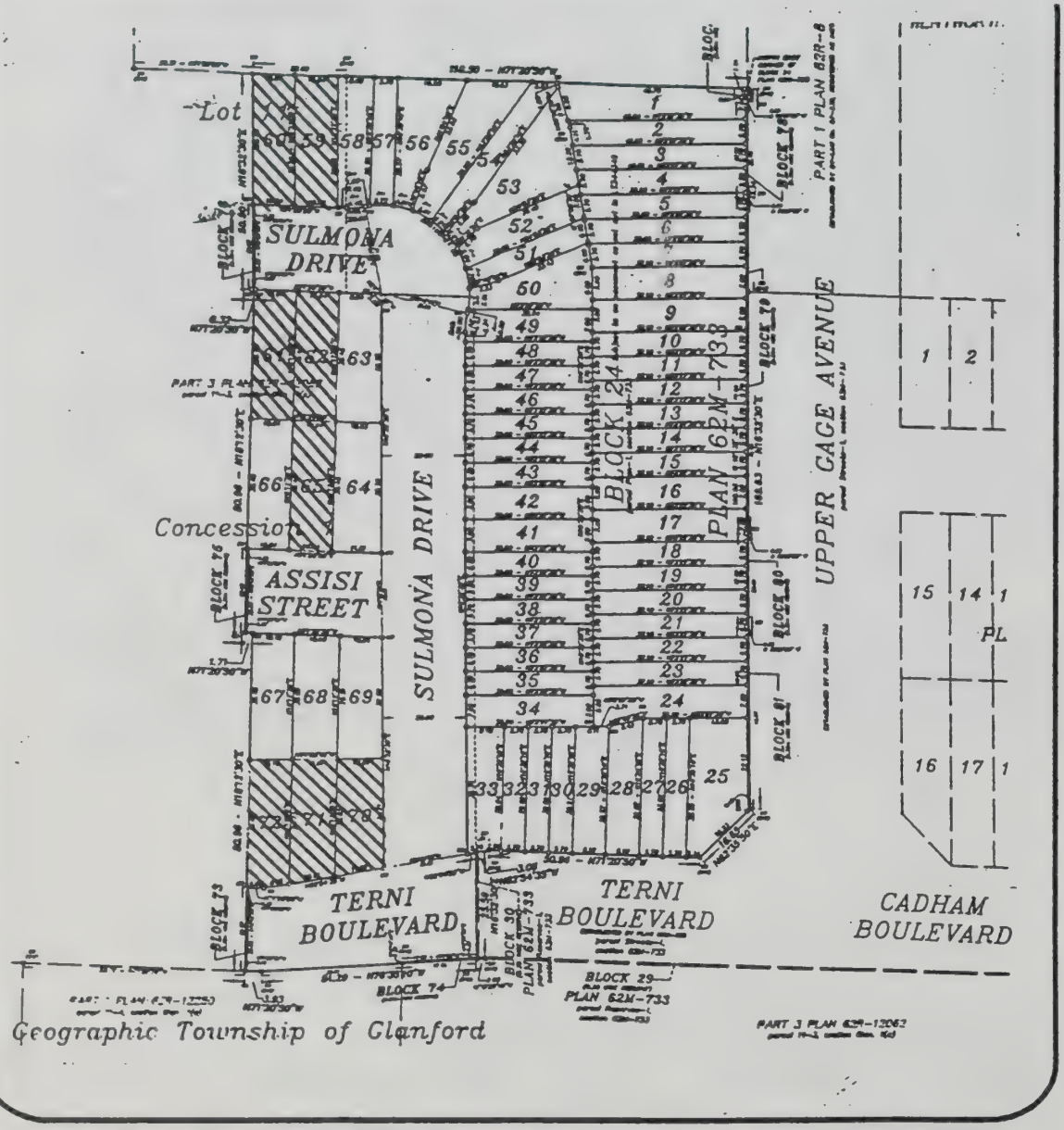
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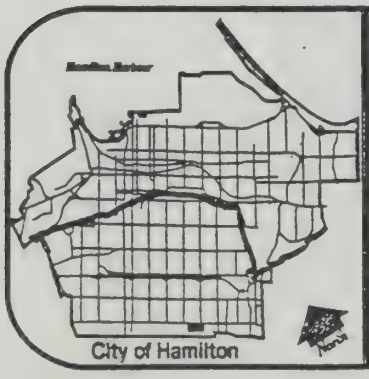
Date: February, 199

Technici: B. B.

North

Appendix "B" referred
to in Section 3(a) of the
Planning and Development
Committee Minutes for
May 5, 1999





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

SUBJECT LANDS

Reference file:	PLC-99-03
Scale	Not to Scale
Date	April, 1999
Technician:	FAB
	APPENDIX A

B.

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 May 3

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Michael J. Schuster
General Manager, Social and Public Health Services Division

SUBJECT: Core Heritage 2000 Program
46 Ferguson Avenue South, Hamilton

RECOMMENDATION:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of $2,198 to Radigan Bros. Ltd., registered owners of 46 Ferguson Avenue South, be approved, subject to an encroachment agreement with the City of Hamilton being executed.

M J. Schuster

Michael J. Schuster, General Manager

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The grant of $2,198 will be funded from the Core Heritage 2000 Program; the uncommitted balance of which is $387,758.

BACKGROUND:

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.

Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of $20,000; those with a frontage exceeding 40 feet are eligible to receive an additional $500 per linear foot to a maximum of $75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional $5,000 matching grant.

.../2

The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes the installation of five awnings.

On the basis of the foregoing, staff recommends that a grant be given under the Core Heritage 2000 Program in the amount of $2,198.

MJS/MM/dk

Cc R. Camani, Finance Division
D. Powers, Legal Services
N. Chapple, Planning and Development Department
M.V. Mascarenhas, Housing and Shelter Branch

C i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 April 28
Stinson Neighbourhood
A-99:34

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing - 70 Emerald Street South

RECOMMENDATION:

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99-34, respecting property located at No. 70 Emerald Street South, as shown on attached map marked as APPENDIX "A".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff costs for attendance at hearings are covered by the respective Departmental Work Programs /Budgets.

BACKGROUND:

Committee of Adjustment Application A-99-34 has recently been appealed to the Ontario Municipal Board. At its meeting of March 24, 1999, the Committee accepted Planning and Development staff's recommendation and denied the application.

The subject lands were the subject of a previous Committee of Adjustment Application **(A-83:18)** for which the Committee granted an increase to the maximum gross floor area from 3044.06m^2 (32,766 ft.^{2}) to 3113.59m^2 (33,515.5 ft.^{2}) for two additional units.

The current proposal is to allow for a further increase of 438.98m^2 (4,725.1 ft.^{2}) to the gross floor area for a new total 3552.63m^2 (3,8240.60 ft.^{2}) to allow 5 additional units on the ground floor of the existing 7 storey multiple dwelling (41 to 46 units). Additional variances to reduce the required parking from 58 spaces to 52 spaces, to eliminate the required loading space, to reduce the width of the required landscape strip, and to change the location of the access driveway were also requested.

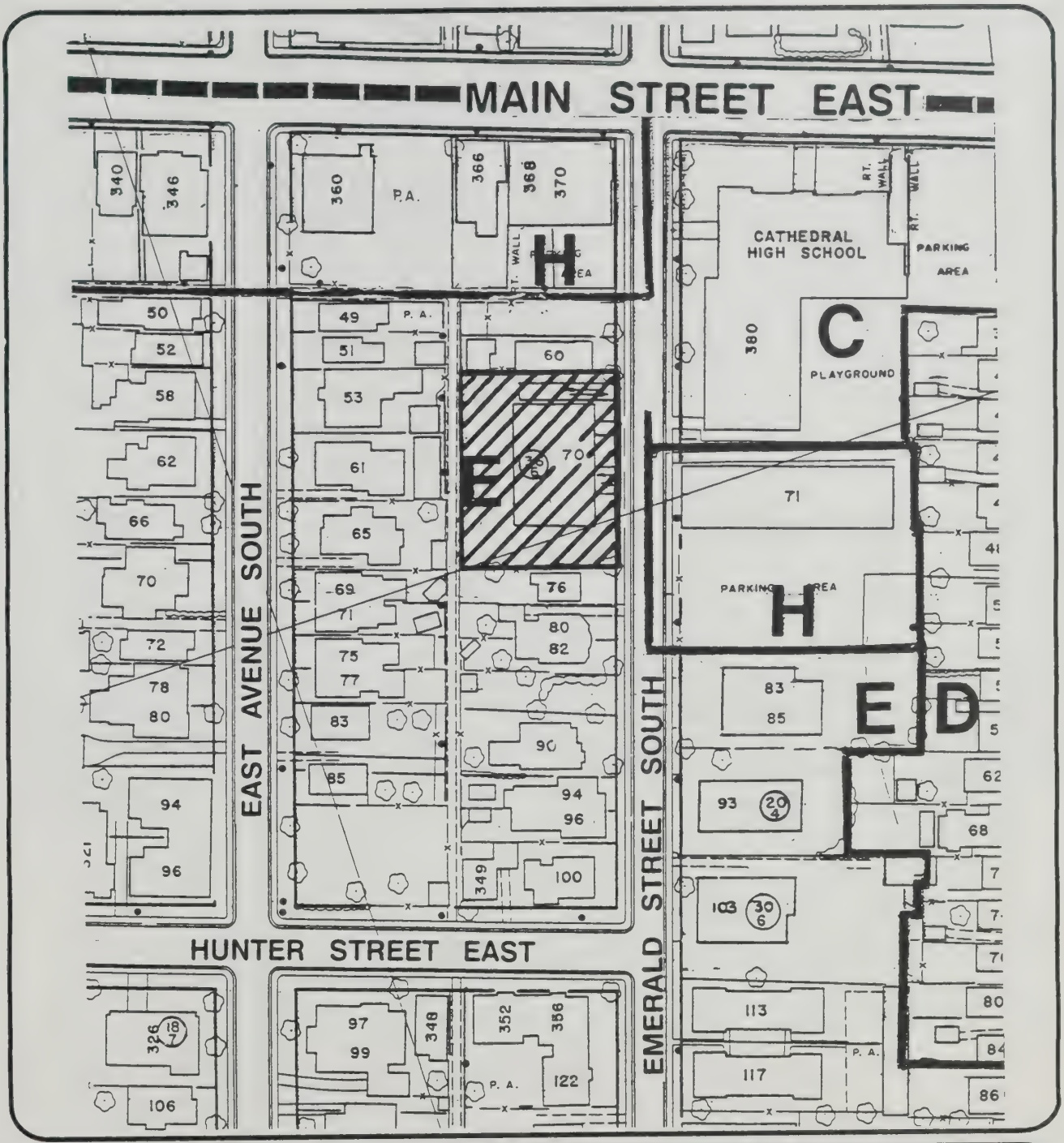
The effect of the requested increase in gross floor area is to permit a g.f.a. ratio of 1.98 whereas the "E" district permits a maximum g.f.a. ratio of 1.7. The requested g.f.a. is equivalent to "High Density" Multiple Dwelling Development (i.e. "E-3").

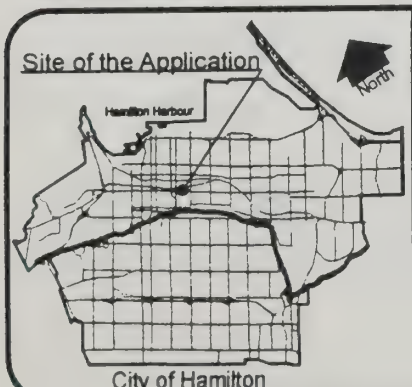
The cumulative effect of the requested variances was not considered to be minor in nature or in keeping with the intent of the By-Law.

CONCLUSION:

Consistent with current practice in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

JG/





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

Reference file	**A-99:34**
Scale	**Not to Scale**
Date	**March,1999**
Technician:	**B. B.**

APPENDIX 'A'

(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 April 28
Ainslie Wood East Neighbourhood
A-99:40

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Authorization for Staff Attendance at an Ontario Municipal Board Hearing - 109 Emerson Street

RECOMMENDATION:

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:40, respecting property located at No. 109 Emerson Street, as shown on attached map marked as APPENDIX "A".

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Staff costs for attendance at hearings are covered by the respective Departmental Work Programs /Budgets.

BACKGROUND:

Committee of Adjustment Application A-99:40 has recently been appealed to the Ontario Municipal Board. At its meeting of March 24, 1999, the Committee accepted Planning and Development staff's recommendation and denied the application.

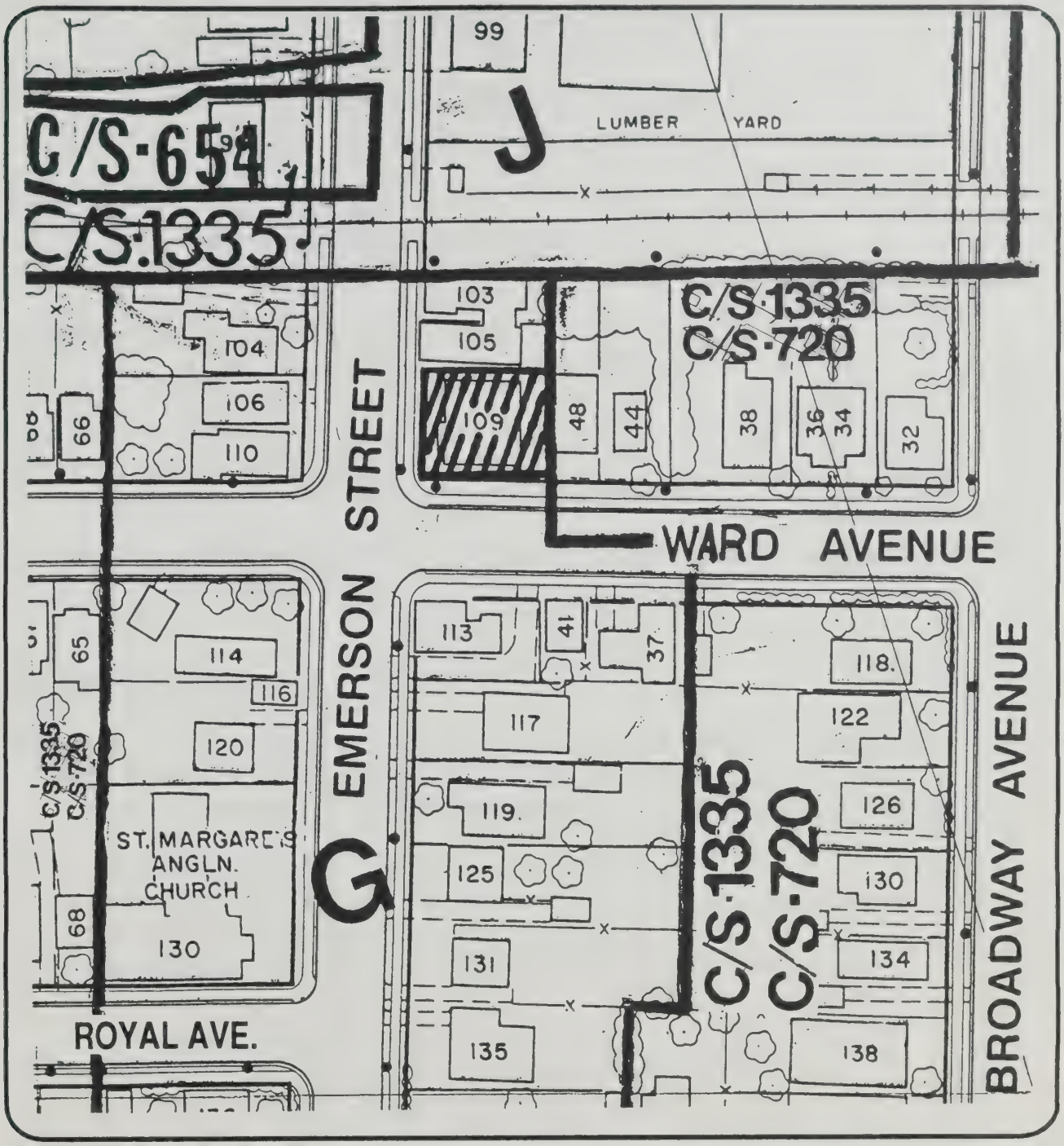
The purpose of the application is to permit an expansion of the existing 24 seat bar/restaurant (i.e. The Thirsty Camel) within the existing building to permit a seating capacity of 38, notwithstanding only 4 parking spaces will be provided instead of the required 7, 2 of which will be on the road allowance via a boulevard parking agreement.

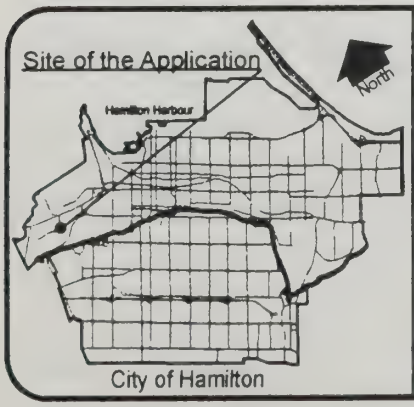
The requested reduction in parking was not considered to be minor or in keeping with the intent of the By-law. Furthermore, approval of the application would result in spill-over parking on the adjoining residential streets.

CONCLUSION:

Consistent with current practice in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

JG/





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

Reference file	**A-99:40**
Scale	**Not to Scale**
Date	**March,1999**
Technician	**B. B.**

APPENDIX 'A'

(iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 April 28
Westdale South Neighbourhood
B-98-6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: Proposed Site Plan Control By-law for lands located at No. 111 Traymore Street

RECOMMENDATION:

(a) That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 111 Traymore Street (as enlarged by severance application B-98-6), as shown on the attached APPENDIX "A".

(b) That the General Manager of Community Planning and Development be directed to prepare the necessary By-law, to amend By-law No. 79-275, in a form satisfactory to Corporate Counsel, for presentation to City Council.

Leeann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

On April 8, 1999, the Ontario Municipal Board issued a Decision respecting an appeal for a severance concerning lands at 1180 Main Street and 111 Traymore Street. The Board order requires the subject lands to be placed under Site Plan Control.

BACKGROUND:

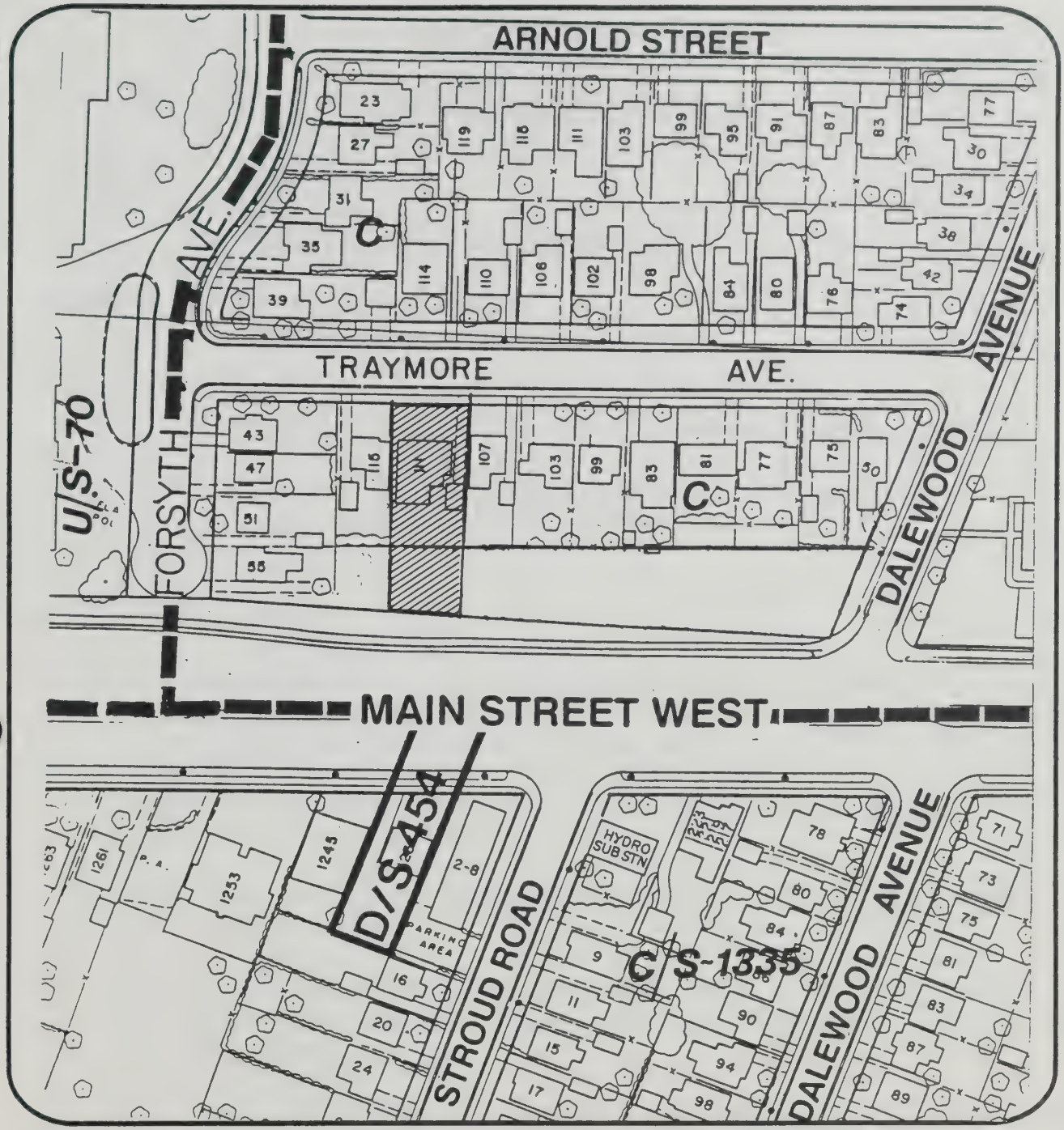
On February 18, 1999, the Committee of Adjustment granted a severance application by McMaster University, for lands located at No. 1180 Main Street West. The intent of the severance was to sever a parcel of land measuring 17.7 m x 16.9 m and add it to the property at No. 111 Traymore Street, for additional single-family residential rear yard amenity area. The decision was appealed by area residents, and an Ontario Municipal Board Hearing was held on April 8, 1999. In order to address concerns of area residents respecting potential overbuilding at 111 Traymore Street and respecting the loss of green space along Main Street West, the Board ordered that: the City is to place the lot (as enlarged by the severance) under Site Plan Control. The Board also ordered that a Site Plan Agreement be entered into by the owner of 111 Traymore with the City. The Board also specified several factors that must be included in the Site Plan, such as a landscaping plan for the front yard, the provision of a landscaped fence, a specific building envelopment, and the provision of an open grassed area. The Boards final order will not be issued until it receives notification from the City that the Site Plan and agreement have been finalized.

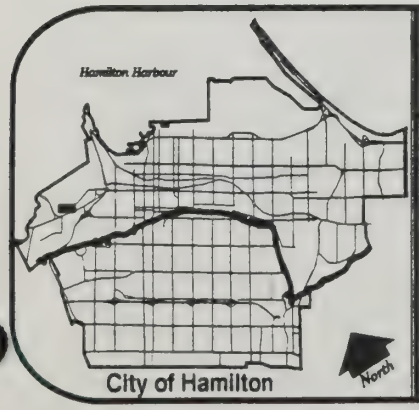
Since the lands are zoned "C" (Urban Protected Residential, etc.) District, modified, a By-law to place the lands under Site Plan Control should be passed by the City to implement the Board's decision.

CONCLUSION:

Based on the foregoing, the lands located at No. 111 Traymore Street (as enlarged by severance application B-98-6) should be placed under Site Plan Control. The Planning and Development Department should prepare a By-law to amend Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, in a form satisfactory to Corporate Counsel, for presentation to City Council.

CL-M





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

SITE OF APPLICATION

Reference file:	B-98-6
Scale	Not to Scale
Date	April, 1999
Technician:	FAB

APPENDIX A

Civ)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 May 4
DA-99-09
Crown Point East Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager, Community Planning and Development Division

SUBJECT: Site Plan Control Application DA-99-09 for an addition to the existing church located at 92 Ottawa Street North

RECOMMENDATION:

(a) That approval be given to Site Plan Control Application DA-99-09, Hamilton First Church of the Nazarene, owner of lands located at 92 Ottawa Street North, to permit a 121 m^2 (1,305 sq.ft.) 1 storey addition onto the existing church, comprised of a new entrance lobby, pastor's office, multi-purpose room and handicap accessible washroom, as shown on the attached map marked as APPENDIX "A", subject to the following:

(i) modification to the plans in relation to notes and dimensions, as marked in red on the plans;

(ii) submission of a revised landscaping plan and grading plan to the satisfaction of the General Manager, Community Planning and Development Division;

(iii) the applicant paying all costs associated with the removal and replacement of the two Locust trees in the municipal road allowance;

(iv) the applicant entering into an encroachment agreement with the City of Hamilton for that portion of the existing building and guardrail that encroach into the public assumed alleyway at the rear of the subject lands; and,

(v) the applicant entering into an encroachment agreement with the Region of Hamilton-Wentworth for the existing curb around the planter that encroaches into the Ottawa Street North road allowance.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council approval is required for a Site Plan Control application.

BACKGROUND:

Plans have been submitted for a a 121 m^2 (1,305 sq.ft.) 1 storey addition onto the existing church located at 92 Ottawa Street North as shown on the attached map marked as APPENDIX "A". The addition will be comprised of a new entrance lobby, pastor's office, a multi-purpose room and handicap accessible washroom (see APPENDIX "F").

The details of development are as follows:

• Net Lot Area	1,486.0 m^2
• Building Coverage	
– Existing	381.0m^2
– Addition	121.0 m^2
– Total	502.2 m^2
• Landscaped Area	27.0 m^2
• Building Height	
– Existing	3 storeys
– Addition	1 storey
• No. of Parking Spaces Provided	25 spaces
• Exterior Building Materials	Brick

COMMENTS RECEIVED:

The Traffic Division, Department of Public Works and Traffic has advised that the application, as submitted, represents the existing conditions with respect to the access configuration and parking layout. Although the configuration of the southerly access does not comply with City standards, the Traffic Division have advised that they are prepared to accept the continued use of the existing access in order to preserve the existing landscaping and on-street parking. However, the Traffic Division has recommend that one parking space be removed and replaced with landscaping to facilitate access to and from the subject lands (see APPENDIX "B").

The Building Department have advised that they have no comment with respect to the application. (see APPENDIX "C").

The Regional Environment Department has commented on various matters dealing with the grading plan, works within the road allowance and the requirement for encroachment agreements for the existing building and guard rail into the alley way and the curb around the landscaped area into the road allowance (see APPENDIX "D").

The Horticulture Section, Department of Public Works and Traffic have advised that based on the plans as submitted it will be necessary to remove two Locust trees located in the Ottawa Street North road allowance. The applicant will be responsible for all removal and replacement costs. The costs for the removal and replacement of the two trees is $1,455.20 (including GST) (see APPENDIX "E").

COMMENTS:

Modifications are required to the plans to clarify the landscaped areas with respect to the number and type of plant materials.

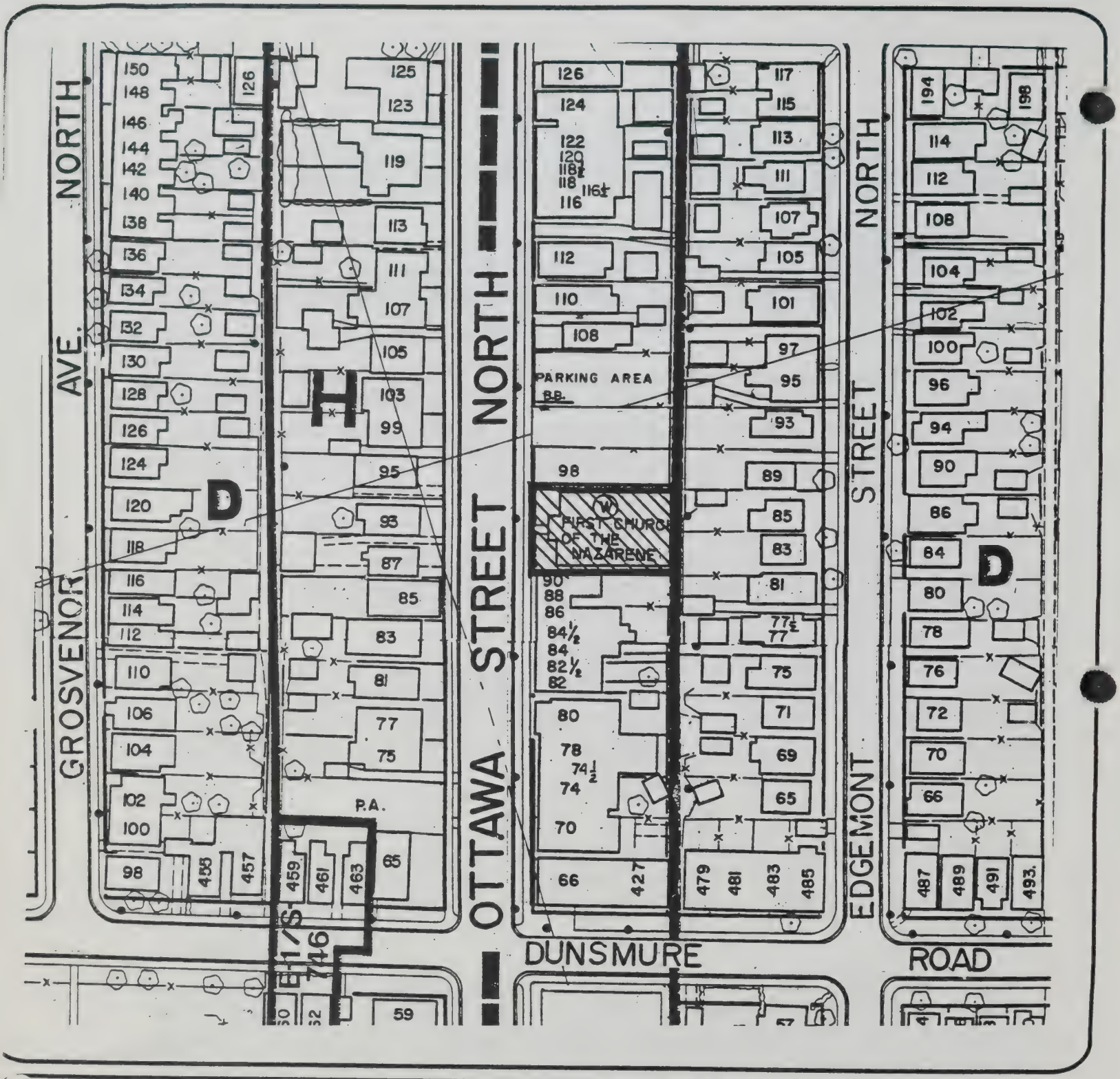
The Traffic Division have advised that the parking layout and access, although not complying with City standards, represents the existing situation, and can be retained to maintain the existing landscaping and on-street parking. However, the Traffic Division has recommend that one parking space be removed and replaced with landscaping to faciliate access to and from the subject lands.

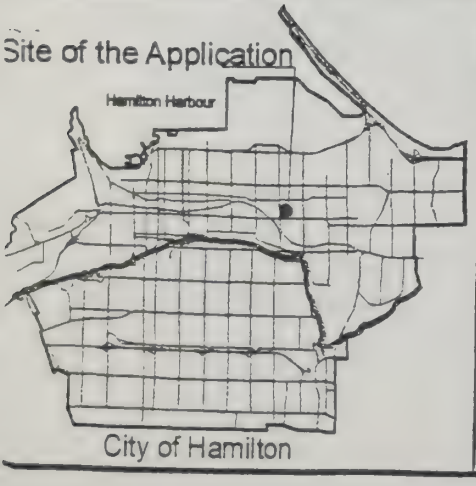
As a result of the proposed building addition, it will be necessary to remove two Locust trees located in the Ottawa Street North road allowance. The applicant is responsible for all costs associated with the removal and replacement of these trees. The City Horticulturist has advised that the costs for the removal and replacement of the two trees is $1,455.20.

The Regional Environment Department has advised that a revised grading plan is required to clarify existing and proposed grades and slopes to accommodate storm water management. In addition, the applicant will be required to enter into the appropriate encroachment agreements with the City of Hamilton and the Region of Hamilton-Wentworth for the portion of the existing building and guardrail that encroach into the public alleyway, and the existing curb around the planter that encroaches into the Ottawa Street North road allowance.

CONCLUSION:

Subject to the above, the proposed development is satisfactory.





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

Reference file: **DA-99-09**

Scale: **Not to Scale**

Date: **February, 1999**

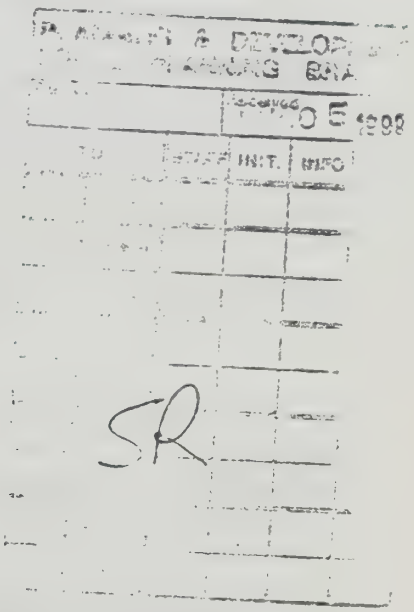
Technician: **B. B.**

North

Department of Public Works and Traffic

CITY OF HAMILTON

TRAFFIC DIVISION
1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5
Tel. (905) 546-4510 / Fax (905) 546-2419
www. city.hamilton.on.ca



1999 March 2

Victor J. Abraham
Director of Planning and Development
Planning and Development Department

Attention: Stephen Robichaud

Dear Sir:

Re: DA 99-09
92 Ottawa Street North

In response to your letter of 1999 February 24, please be advised that we have reviewed the above application and have the following comments.

The submitted plan represents the existing conditions with respect to the access configuration and parking layout with the exception of the deletion of two parking spaces at the south/west corner of the parking lot in the area of the new addition. Although the configuration of the southerly access does not comply with our standard design, we are prepared to accept the continued use of the existing access in order to preserve the existing street landscaping and the on-street parking.

We recommend that the one parking space on the north side of the northerly access be removed and replaced with landscaping.

Should you require any further information, please contact me at 546-4575.

Yours truly,

Bill Ferguson
Traffic Planning Technologist

BF/klk

c.c. Harold Groen, Development Co-ordinator, Roads Division

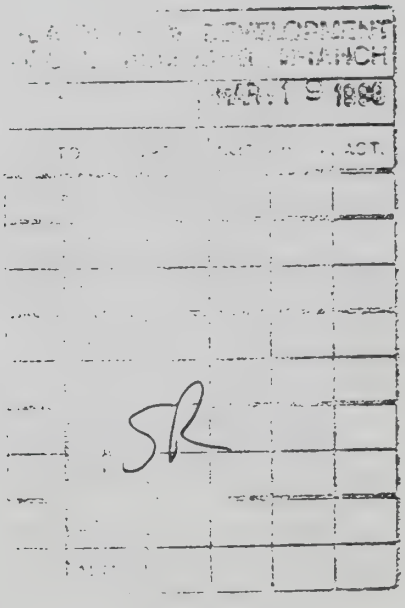
APPENDIX "B"

COMMUNITY PLANNING & DEVELOPMENT (BUILDING)
71 Main Street West, Hamilton, Ontario L8P 4Y5
Telephone (905) 546-2720 / Fax (905) 546-2764

CITY OF HAMILTON

FILE: DA-99-09
ATTENTION OF: F. Peter
TELEPHONE NO: (905) 546-2781

March 17, 1999



PRESENT ZONING: H

MAP NUMBER: E-54

Mr. V. J. Abraham, M.C.I.P.
Director
Planning and Development Department
c/o Chief Administrative Office

Attention: Stephen Robichaud

Dear Stephen:

RE: DA-99-09
92 OTTAWA STREET NORTH

The above, under cover of your letter dated February 24, 1999, has been examined.

COMMENTS:

No comments.

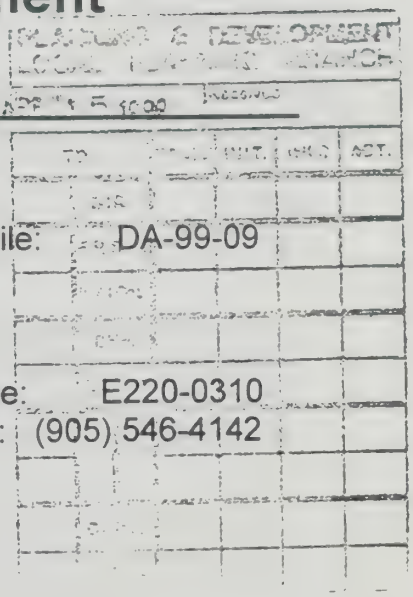
Yours truly

for the Building Commissioner

FP/zr

APPENDIX "C"

Regional Environment Department
Memorandum



TO: P. D. Mallard, M.C.I.P., R.P.P.
Division Head
Development and Urban Design

Your File: DA-99-09

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

Our File: E220-0310
Phone: (905) 546-4142

DATE: April 15, 1999

SUBJECT: Site Plan Control Application DA-99-09
for 92 Ottawa Street North

The grading plan submitted, dated February 1999 will be approved with respect to grading when the following revisions have been dealt with.

1. A notation should be provided on the grading plan as to how the roof leaders of the proposed addition are to discharge either directly to the storm sewers or overland.

   Should the applicant/owner choose to discharge overland we will require a stormwater management report prepared by a qualified Engineer, showing that this development will have no negative impact on the subject or abutting lands.

2. The area between the south end of the proposed addition and north side of the adjacent building should be graded such that water does not pond and is directed away from the building foundations. A note to this affect should be included on the plan.

3. Proposed elevations should be provided at the north east and south east corners of the addition adjacent to the north side of the building and at the south east corner of the addition between the two buildings.

4. A proposed legend should be included on the plan showing how proposed, existing elevations etc. are indicated.

5. The applicant/owner must ensure that the proposed addition does not interfere with any of the existing buildings sewer and or water services. In addition, it is the applicant/owners responsibility to ensure that the existing services are in good condition and are of adequate capacity for the proposed new usage.

Cont'd...

Cont'd...

Any modifications to the sites services external to the existing building requires permits from the Region of Hamilton –Wentworth. Prior to making application for the permits a copy of the servicing drawings must be submitted for our review and approval.

6. It is assumed that where no proposed elevations are indicated that the existing elevations are to be maintained, please confirm.

7. A key map should be included on the plan.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added. Please note that a qualified professional engineer, architect or landscape architect must stamp the estimate.

The following comments were received from the Regional Transportation, Operations, and Environment Department, Roads Section.

1. The existing road allowance width of Ottawa Street is 20.12 m. Therefore we do not anticipate any further road allowance widenings at this time.

2. According to our records the alley to the rear of the subject lands is public assumed. Any works in the alley must conform to City of Hamilton Streets By-law.

3. According to plans submitted by the applicant/owner, the corner of column of the existing building and a portion of the guardrail encroaches into the public assumed alley. As a condition of approval we recommend that the applicant/owner enter into an Encroachment Agreement with the City of Hamilton for these encroachments into the alley.

Cont'd...

4. According to plans submitted by the applicant, the existing curb around the planter encroaches into the Ottawa Street North road allowance. As a condition of approval, this curb must either be removed from the road allowance and relocated to private property or the applicant must enter into an Encroachment Agreement with the Region for this curb encroachment.

   The applicant must contact either Mr. Vince Zingaro at 546-2808 or Mr. Jim Clairmont at 546-4279 to determine the procedures for entering into these encroachment agreements.

5. The applicant must contact all the respective Utilities at Ontario One Call Ltd. at 1-800-400-2255 prior to any construction adjacent to the road allowance. This is required to ensure that any excavation adjacent to the Ottawa Street North road allowance does not adversely affect the horizontal or vertical cover over these Utilities, etc. Further, the applicant must ensure that the stability of the road allowance, municipal sidewalks, etc. is not adversely affected by this construction excavation, etc.

6. No portion of the proposed addition, including footings, aluminum flashings, eaves, etc. is to encroach into the Ottawa Street North road allowance.

7. Any other works within the Ottawa Street North road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.

Our Public Transit Division provides the following comments:

1. Transit service is available on Ottawa Street North and no changes in the bus service are anticipated at this time.

2. There is an existing bus stop located on the east side of Ottawa Street North, 6 metres north of the south building line of No. 92 Ottawa Street North. This stop is utilized by customers who work and shop in the Ottawa Street BIA between Roxborough Avenue and Dunsmure Road. The HSR requests that this bus stop remain in its present location to ensure that a good standard of transit accessibility is maintained in the Crown Point East Neighborhood.

Cont'd...

Site Plan Control Application DA-99-09
for 92 Ottawa Street North

Cont'd...

3. The HSR looks forward to the positive impact this project will have on the streetscape. Improvement to lands surrounding bus stops assists transit in attracting customers.

If there are any queries with respect to the Roads Section or Transit comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to any grading or drainage questions.

Charles A. Unelli

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW:HG:dww
Attach.

O:\Subdivis\Doug\Hamilton\1998\DA9909.1.DOC

Regional Municipality of Hamilton-Wentworth
Regional Environment Department
Development Agreements (Hamilton) - Guide for Estimating Security Requirements

ITEM	DESCRIPTION (examples only)	QUANTITY	UNIT COST	TOTAL
1. Asphalt Binder	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
2. Asphalt Surface	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
3. Granular "A" Base	"x" mm	m2 or tonnes	$/m2 or $/tonne	$
4. Concrete Curbing	type "x" mm by "x" mm	m	$/m	$
5. Concrete Walks	"x" mm by "x" mm	m2	$/m2	$
6. Catch Basins	Single	number required	$/each	$
	Double	number required	$/each	$
7. Storm Sewers	Size	m	$/m	$
8. Road Cut/Repair	Size	m2	$/m2	$
9. Storm Manholes	Depth	number required	$/each	$
10. Retaining Walls:	Pressure Treated ("x" mm by "x" mm)	m2 of wall face	$/m2 of wall face	$
	Precast Concrete or Armour Stone etc.	m2 of wall face	$/m2 of wall face	$
11. Topsoil	"x" mm	m2	$/m2	$
12. Sod	No. 1 Nursery Sod	m2	$/m2	$
13. Fencing	1.5 m Chain Link	m	$/m	$
	1.8 m Chain Link	m	$/m	$
	1.5 m Pressure Treated	m	$/m	$
	1.8 m Pressure Treated	m	$/m	$
14. Brick or Concrete Paving Stones		m2	$/m2	$
15. P.S.T. and G.S.T.				$

TOTAL

Note: Landscaping items (ie trees, shrubs etc.) have not been included in the above noted guideline as these security requirements are under the review of the City of Hamilton Planning and Development Department. Please contact their Offices for details.

Depending on the specific details of the plans submitted and approved, securities may be required for additional items not noted in the above list.

The security estimate submitted must be stamped by a qualified professional engineer, architect or landscape architect.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO:	P. D. Mallard, M.C.I.P., R.R.P. Division Head Development and Urban Design **Att: Stephen Robichaud**	YOUR FILE:	SR
FROM:	J. Pook City Horticulturist Department of Public Works and Traffic	OUR FILE: PHONE:	99.2205.00 546-4228
SUBJECT:	**Site Plan Control Application DA-99-09** **For 92 Ottawa Street North**	DATE:	1999 March 30

Further to your letter of February 24, 1999 regarding the above subject, staff have reviewed the related plans and provide the following comments.

A site inspection of the subject property revealed there to be a 13"and 15" diameter Locust trees located on City property which would be negatively impacted by the proposed building addition. Consideration should be given to modifying the plans to accommodate these trees. However, if this is not possible, removal of the trees will be required. The total removal and replacement costs will be the responsibility of the developer.

Cost to remove the trees (including all components)	560.00
Costs for equivalent replacement trees	800.00
TOTAL COST INCLUDING TAXES	$1,455.20

Please advise the developer to forward a cheque in the amount of $1,455.20 , made payable to the City Treasurer, Department of Public Works and Traffic, 71 Main St. West, Hamilton, Ontario, L8P 4Y5, Attention Mr. Doug Anderson.

Should you require clarification or further technical assistance, please do not hesitate to contact Chuck Keenan, at (905) 546-4204.

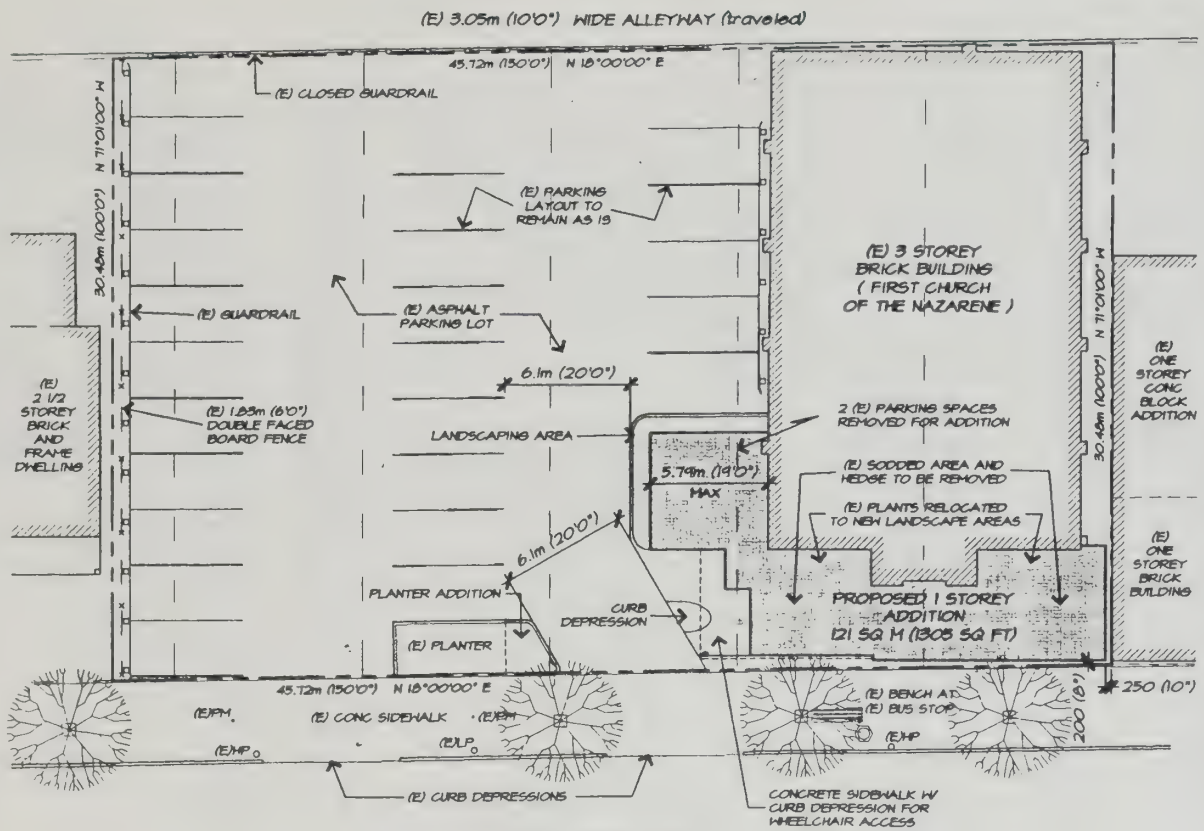
JP/CK/jp

cc C. Keenan, Foreman, Forestry
K. Jones, Foreman, Forestry
D. Anderson, Timekeeper, Public Works

APPENDIX "E"

GENERAL NOTES

1. All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Commissioner of Regional Environmental Department.
2. Fire Route Signs and 3-way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.
3. Main driveway dimensions of the property line boundaries are plus or minus 7.5m unless otherwise stated.
4. All driveways from property lines for the first 7.5m shall be within 5% maximum grade, thereafter, all driveways shall be within 10% maximum grades.
5. The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
   - Road cut permits
   - Sewer permits
   - Approach approval permits
   - Relocation of services
   - Committee of Adjustment
   - Encroachment agreements (if required)
6. Any changes in grades and catch basins require the approval of the Commissioner of Regional Environmental Department.
7. Any plant material substitutions require the approval of the City of Hamilton.
8. Plant material and fencing shall be minimum to be provided by the owner. Any additions must comply to the Zoning By-law.
9. Any sodding, planting or work on lands abutting the property from the lot lines to sidewalk and curbing, shall be to the satisfaction of the City and/or Regional Municipality.
10. All landscaping shall be installed prior to the end of the first growing season following occupancy of the development.

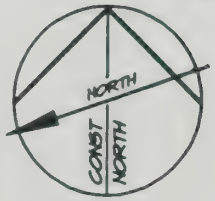


DETAILS OF DEVELOPMENT

Net Lot Area	1486 sq m (15997 sq ft)
(E) Gross Floor Area	381 sq m (4100 sq ft)
(E) Building Height	10.7 m (35 ft) max
(E) Storeys	3
(E) Parking Spaces	25
Proposed Floor Area	121 sq m (1303 sq ft)
Proposed Building Height	6.1 m (20 ft) max
Proposed Storeys	1
Landscaped Area	27 sq m (290 sq ft)

ABBREVIATIONS

(E) = existing CONC = concrete ALUM = aluminum



1	FEB 99	ISSUED FOR SITE PLAN APPROVAL
No.	Date	Remarks
Revisions		

VERMEULEN/HIND Architects

VERMEULEN/HIND ARCHITECTS
400-20 JACKSON ST. W.
HAMILTON, ONTARIO L8P 1L2
TELEPHONE: (905) 522-6500
FAX: (905) 522-1174

ONTARIO ASSOCIATION OF ARCHITECTS
FRED P. VERMEULEN
LICENCE 3857

Project:	HAMILTON FIRST CHURCH OF THE NAZARENE
Drawing:	SITE PLAN
Proj. No.: 97-108	Scale: 1:250
Date: FEB 99	Drwn: DA Chkd:

Drawing No.: A1-1

APPENDIX "F"

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: **May 5, 1999**

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: **King Street West Business Improvement Area (B.I.A.)- Board of Management and Proposed Budget and Schedule of Payments for 1999**

RECOMMENDATION:

a) That the following individuals be appointed to the King Street West B.I.A.'s Board of Management :

Catherine Sennett	300 King St. W., Small Talk Clothing Co. Owner/Tenant
Trudy Parsons	306 King St. W., Keyin College, Tenant
David Vukmanich	216-220 King St. W., Owner
Mark Milligan	246 King St. W., Owner/Tenant
Michael Zaccaria	290 King St. W., Owner/Tenant
Alderman A. Horwath	Ward 2
Alderman R. Corsini	Ward 2

b) That the 1999 operating budget for the King Street West B.I.A. (Attached as Appendix 'A') be approved in the amount of $2,800.

c) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (b) above: and,

d) That the following payment for 1999 be approved:

May 26	$2,800.00

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The $2,800. is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

BACKGROUND:

At its Annual General Meeting held 1999 March 31, the King Street West B.I.A. adopted a 1999 operating budget of $2,800 and elected its Board of Management.

The budget of $2,800 will be levied against owners of commercial/industrial properties within the B.I.A. boundaries and collected as part of the municipal tax bill for each property. For reference purposes, the B.I.A. levy will appear as a separate item on the tax bill.

DL:jp

c.c. A. F. Leitch, P. Eng.
General Manager,
Transportation, Operations and Environment

Trudy Parsons, Co-Chair
King Street West B.I.A.

Catherine Sennett, Co-Chair
King West Street B.I.A.

Alan Ross, General Manager
Finance Department
Att: Larry Friday, Supervisor of Tax Administration/Banking

Msw:King Street West Budget/Board of Management

APPENDIX 'A'

KING STREET WEST PROPOSED BUDGET FOR 1999

Expenses:

Administration, photocopying, paper, postage, meetings, advertising/promotion, Special Events	**$1520.00**
Insurance	**$ 600.00**
Accounting Audit	**$ 400.00**
Contingency fund	**$ 280.00**
Total	**$2800.00**

CITY OF HAMILTON

E.

- RECOMMENDATION -

DATE: May 11, 1999

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Heritage Permit – 176 Delaware Avenue

RECOMMENDATION:

That a Heritage Permit be approved for a two-storey rear addition, as shown on the elevation plans attached hereto and marked as Appendix "A", to the single-family house at 176 Delaware Avenue, located in the St. Clair Boulevard Heritage Conservation District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of Part V of the Ontario Heritage Act, any exterior alterations or new additions require Council approval through the Heritage Permit process.

BACKGROUND:

This house, situated in the north-west corner of the St. Clair Boulevard Heritage Conservation District, is one of only two houses facing Delaware Avenue in the District. The proposed addition, clad in brick veneer and wood siding, will be built to the rear of the house, partially behind the existing one-storey sunroom on the west side of the house. It will accommodate a family room and two extra bedrooms. Floor plans and elevations were presented by Architect John Mokrycke to the Research Sub-Committee at its last meeting held May 5, 1999. Committee Members felt that the addition had been sensitively designed to complement the existing two-storey brick masonry house (built in 1926). Moreover, the addition would be quite inconspicuous as it would be scarcely visible from Delaware Avenue and only from the west.

The Local Architectural Conservation Advisory Committee at its meeting held May 10, 1999 recommended approval of the Heritage Permit for this new addition.

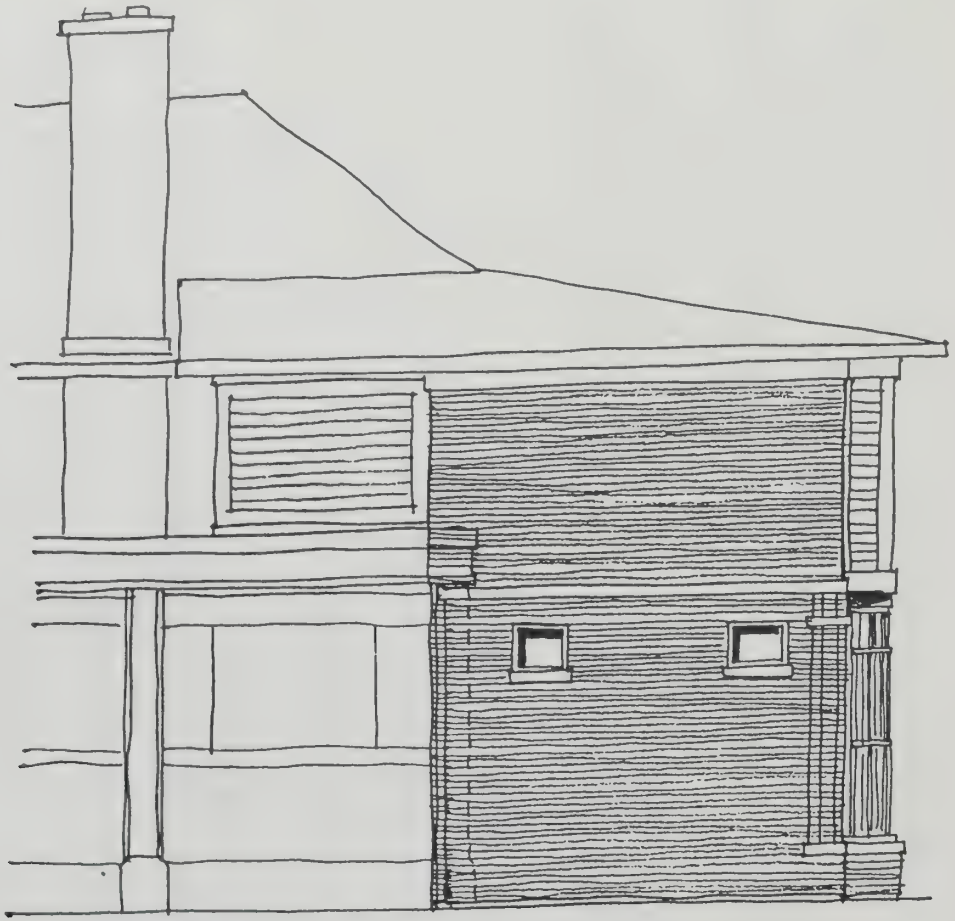
attached

cc Victor Abraham, Director, Planning and Development Department
Attn: Nina Chapple, Architectural Historian

APPENDIX "A"

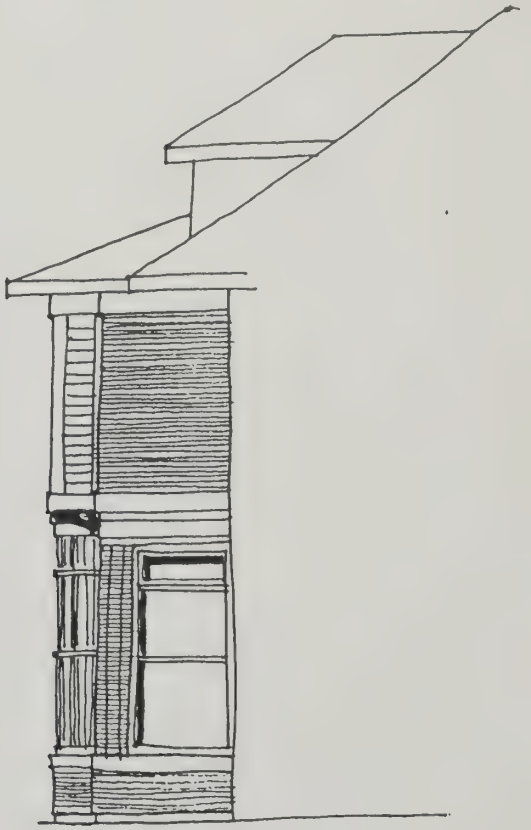


MYCHAILCYSHYN RES.
SOUTH ELEVATION.
1/4"=1'-0"



WEST ELEVATION
1/4" = 1'-0"

MYCHAILYSHYN RES.



EAST ELEVATION

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 11, 1999

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) General Manager, Community Planning and Development Division re: Approved Site Plan Control Application dated April 29, 1999

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

T Agnello

CA4 ON HBL A05
CSIPY
1999

URBAN
MUNICIPAL

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

JUN 22 1999

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, June 23, 1999
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 99-07, by 1221 Limeridge Inc. (c/o Joseph Kutlesa), owner, for a change in zoning from "G" District to "DE-3" District, modified, for property located at 1221 Limeridge Road East.

2. Zoning Application 99-09, by Canadian National Railway, owner, for changes in zoning from "J" District to "H"-'H' District (Block "1") and "A" District (Block "2") for lands known as 360 James Street North.

3. Zoning Application 99-10, by Canadian National Railway, owner, for changes in zoning from "H" District (Block "1") and "J" District (Block "2") to "G-3" – "H" District for lands located west of James Street and south of the C.N. Railway.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 99-13, by Samuel Guerriero, owner, for a modification in zoning to the established "C" District (Block "1") and for a change in zoning from "AA" District to "C" District, modified, (Block "2") for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, south of Dalia Avenue and located at the rear of 1487 Upper Sherman Avenue.

5. Zoning Application 99-12, by Harp Homes Building Corporation (M. Mazza), prospective owner, for a change in zoning from "AA" District to "C" District, for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, south of Dalia Avenue and located at the rear of 1509 Upper Sherman Avenue.

6. Application 99-15, by F. Mastrioanni and A. Mastrioanni, owner, for a change in zoning from "AA" District to "C" District, for lands located west of Eleanor Avenue and south of Dulgaren Street and located at the rear of 102 Eleanor Avenue.

7. Zoning Application 99-11, by Alexander Furmanov, owner, for a change in zoning from "AA" District to "C" District, for lands located at 199 Stone Church Road West.

PUBLIC MEETINGS - 10:00 O'CLOCK A.M.

8. Zoning Application 99-22, by Hamilton Habitat for Humanity, owner, to remove the "H" Holding provision and for a modification to the "R-4" District for lands located on the south side of Loconder Drive between Upper Gage and Queen Victoria Drive.

9. **DELEGATIONS - 10:30**

(a) **LACAC, Intent to designate Auchmar, 88 Fennell Avenue West under the Ontario Heritage Act (previously tabled)**

(i) Terrance Whelan on behalf of the Property Owners

(ii) Mel Bailey, Southam Area Association

(iii) Frances O'Flynn, President, Auchmar Millennium Project

Submissions:
1. Hamilton Historical Board
2. Mel Bailey

(b) **Central Area Plan Implementation Committee - Links Between Downtown and the Harbour**

Russell Elmand
Jill Simmons
Mary Pocius

10. **GENERAL MANAGER, PLANNING & DEVELOPMENT DIVISION & DIRECTOR OF ECONOMIC DEVELOPMENT**

Community Improvement Plan to Promote Industrial and Commercial Redevelopment

11. **GENERAL MANAGER, PLANNING & DEVELOPMENT DIVISION**

Funding for Tax Incentive Program for Downtown Commercial/Industrial Buildings Designated under the Ontario Heritage Act

12. **CONSENT AGENDA**

13. **PRIVATE AND CONFIDENTIAL AGENDA**

14. **OTHER BUSINESS**

15. **ADJOURNMENT**

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
3	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
4.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
5.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
6.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
7.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
8.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
9.	Radial Separation for residential and short term Facilities	1998 December 2	Staff to prepare report	Report Pending
10.	Detention centre as use in H district	1998 December 2	Staff to prepare report	Report pending
11.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
12.	Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.	February 17, 1999	Tabled pending staff report	Report Forthcoming June 18, 1999

1.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 June 3
ZAC-99-07
Lisgar Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at 1221 Limeridge Road East

RECOMMENDATION:

A. That approval be given to **Zoning Application ZAC-99-07, 1221 Limeridge Inc. (c/o Joseph Kutlesa), owner**, for a change in zoning from "G" (Neighbourhood Shopping Centre, etc.) District, modified to "DE-3" (Multiple Dwellings) District, modified, to permit a "Community and Residential Care Access Centre" containing residential care and short-term residential care facilities for the accommodation of a maximum of 24 and 16 residents of at least 65 years of age, respectively, and medical and associated commercial uses in a one (1) storey building, for lands located at 1221 Limeridge Road East, shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "G" (Neighbourhood Shopping Centre, etc.) District, modified to "DE-3" (Multiple Dwellings) District;

(ii) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

a) That notwithstanding Section 10C(1) of Zoning By-law No. 6593, only the following uses shall be permitted:

(i) a "Community and Residential Care Access Centre";

(ii) a commercial retail store with a maximum gross floor area of 207.0 m^2 shall be permitted;

(iii) a business identification sign that is wall sign of an occupancy or use, that complies with the following requirements:

1. No sign shall exceed 2.0 metres in height.

2. The total aggregate area of all signs shall not exceed 0.5 square metres for each 0.5 metres of exterior lineal face of the building.

3. Every sign shall be parallel to the wall to which it is affixed.

4. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

b) For the purpose of this by-law, a "Community and Residential Care Access Centre" shall mean a building in which residential care and short-term care facilities are provided in conjunction with medical offices and related services, subject to the following provisions:

(i) a Residential Care Facility for the accommodation of a maximum of 24 residents of at least 65 years of age;

(ii) a Short-Term Care Facility for the accommodation of a maximum of 16 residents of at least 65 years of age;

(iii) an accessory dining room which shall only be used in conjunction with the Residential Care and Short-Term Care Facilities; and,

(iv) offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore;

c) That notwithstanding Section 10C. (2) of Zoning By-law No. 6593, no building shall exceed one (1) storey in height;

d) That notwithstanding Section 10C. (3) of Zoning By-law No. 6593, for a "Community and Residential Care Access Centre", the following yards shall be provided and maintained:

(i) a minimum front yard depth of 4.5 m and an average depth of 5.2 m;

(ii) a minimum easterly side yard depth of 2.0 m and an average depth of 4.5 m;

(iii) a minimum westerly side yard depth of 3.8 m; and,

(iv) a minimum rear yard depth of 4.57 m.

e) That notwithstanding Section 10C. (5) of Zoning By-law No. 6593, for a "Community and Residential Care Access Centre" a maximum gross floor area of 2,449.90 m^2 shall be permitted, comprised of 1673.12 m^2 maximum gross floor area for the Residential Care and Short Term Care Facilities and 776.78 m^2 maximum gross floor area for the medical offices and commercial retail stores, including hallways and common amenity areas;

f) For the "Community and Residential Care Access Centre", an unlighted ground sign having an area of not more that 4.2 square metres and located not less that 2.0 m from any lot line shall be permitted;

g) That notwithstanding Section 2.(2)A.(xiiaa) of Zoning By-law No. 6593, a Residential Care Facility shall be permitted within a building containing a "Community and Residential Care Access Centre" comprised of residential and commercial uses;

h) That notwithstanding Section 2.(2)A.(xiiaaa), a Short-Term Residential Care Facility shall be permitted within a building containing a "Community and Residential Care Access Centre" jointly comprised of residential and commercial uses;

i) That Section 10C.(7) of Zoning By-law No. 6593 shall not apply to the subject lands;

j) That Section 18A.(1)(d) of Zoning By-law No. 6593 shall not apply to the subject lands;

k) That Section 18A. (14g) of Zoning By-law No. 6593 shall not apply to the existing parking area;

(v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S - , and that the subject lands on Zoning District map E-59A be notated as S - ;

(vi) That the City/Regional Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council;

(vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(viii) That upon finalization of the Zoning By-law, the subject lands be redesignated from "Commercial" to "Commercial and Residential" on the approved Lisgar Neighbourhood Plan.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for changes in zoning from "G" (Neighbourhood Shopping Centre, etc.) District modified to "DE-3" (Multiple Dwellings) District, modified, for lands located at 1221 Limeridge Road East, shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands for a "Community and Residential Care Access Centre" which includes a residential and short-term care facility for 24 and 16 residents of at least 65 years of age, respectively and medical and associated commercial uses in a one story building..

In addition, the By-law provides for the following special variances:

Use

- To restrict the height of the "Community and Residential Care Access Centre" to one (1) storey in height whereas the provisions of the Zoning By-law permit a maximum height of 3 storeys;

- To permit a maximum gross floor area of 2,449.90 m^2, comprised of 1,673.12 m^2 maximum gross floor area for the Residential Care and Short Term Care Facilities and 776.78 m^2 maximum gross floor area for the medical offices and commercial retail stores (including hallways and common amenity areas) whereas the provisions of the Zoning By-law utilizes a floor area ratio factor of 0.9 (6,293 m^2);

- For the purposes of the by-law, a "Community and Residential Care Access Centre" is defined as being a building containing both residential and commercial uses, subject to the following restrictions:

    (i) the commercial uses will be restricted to a commercial retail store with a maximum gross floor area of 207.0 m^2, offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore;

    (ii) the Residential Care Facility will be restricted to a maximum size of 24 residents who are at least 65 years of age. The Short-Term Care component will be restricted in size to a maximum capacity of 16 residents who are at least 65 years of age; and,

(iii) a dining room, used in conjunction with the residential care and short-term care facilities shall be permitted.

Yards

- To permit a minimum front yard depth of 4.5 m and an average depth of 5.2 m, whereas the provisions of the Zoning By-law require a minimum front yard setback of 6.0 m;

- To permit a minimum easterly side yard of 2.0 m and an average depth of 4.5 m whereas the provisions of the Zoning By-law require a minimum side yard of 4.62 m;

- To permit a minimum westerly side yard of 3.8 m whereas the provisions of the Zoning By-law require a minimum side yard of 4.62 m;

- To permit a minimum rear yard of 4.57 m whereas the provisions of the Zoning By-law require a minimum rear yard of 5.9 m;

Signs

- To permit business identification signage for the "Community and Residential Care Access Centre" subject to the sign being an unlighted ground sign with a maximum area of 4.2 square metres and requires that the sign be setback a minimum of 2.0 m from any lot line and commercial business identification wall signs in accordance with the existing "G" District zoning.

Parking and Loading Space

- To eliminate the required loading space for the medical offices whereas one (1) loading space at 9.0 m x 3.7 m x 4.3 m is required;

- To permit the existing parking area to be located within the required front yard whereas the By-law does not permit parking in the required front yard of a residential district;

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

Proposal

- The applicant has submitted an application for a change in zoning from "G" (Neighbourhood Shopping Centre, etc.) District to "DE-3" (Multiple Dwellings) District, modified, to permit a "Community and Residential Care Access Centre" containing residential care and short-term care facilities for the accommodation of a maximum of 24 and 16 residents of at least 65 years of age, respectively, and medical and associated commercial uses in a one storey building, for lands located at 1221 Limeridge Road East, shown on the attached map marked as APPENDIX "A". The existing building is currently a one (1) storey building used for commercial purposes; the parking area is located along Limeridge Road. It is the applicant's intention to renovate the existing building and add a 744.0 m^2 addition to accommodate the new uses (See Appendix "B"). The parking area will remain in front of the existing building and a passenger vehicle drop off lane will be created along the rear of the existing building along Locheed Drive.

APPLICANT:

1221 Limeridge Inc. (c/o Joseph Kutlesa).

LOT SIZE AND AREA:

- 81.53 m of frontage along Limeridge Road East;
- a lot depth 61.09 m; and
- a total lot area of 5568.3 m^2

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Commercial	"G" (Neighbourhood Shopping Centre, etc.) District modified
Surrounding Land Use		
To the north	Single Family	"C" (Urban Protected Residential) District modified and "D" (Urban

to the south	Townhouses	"RT-10" (Townhouse) District
to the west	Single Family Dwellings	"C" (Urban Protected Residential) District
to the east	Single Family	"C" (Urban Protected Residential, etc.) district and "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, modified

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" of the Official Plan. The proposal is for a mixed use building consisting of a residential care and short-term care facility, medical offices and related commercial uses. The proposed "Community and Residential Care Access Centre" is commercial in nature with a residential component. However, residential uses are permitted in a "Commercial" designations. The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Lisgar Neighbourhood Plan. If approved, a redesignation from "Commercial" to "Commercial and Residential" is required.

COMMENTS RECEIVED:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority;
  - Traffic Division, Department of Public Works and Traffic; and,
  - Union Gas.

- The Community Planning and Development Division - Building Department provided the following comments:

  "1. The front yard has been previously established as Limeridge Road East and the comments are based on this.

  2. The yard requirements for the proposed building are based upon a calculation. Please note that the front yard of this lot abuts a "C" District and unless the front yard calculation exceeds 6.0m, the minimum required front yard shall be 6.0m. The proposed 4.5m front yard does not conform. Insufficient information submitted to determine compliance with all other yards.

3. A residential care facility and a short term care facility, as defined, are required to be in fully detached buildings and the maximum number of residents permitted in each is six (6).

4. No floor plans submitted to show the uses of individual rooms.

5. The proposed medical offices and other commercial uses including the existing convenience store are not permitted in the proposed "DE-3" District. Please indicate the proposed use of the gallery.

6. The minimum required landscaped area is 25% of the area of the lot.

7. One (1) 9.0m x 3.7m x 4.3m loading space is required. No loading space shown.

8. Every parking space and loading space shall be accessible at all times and the required loading space shall be unobstructed and freely and readily accessible from within the lot without moving a vehicle on the lot.

9. No part of the parking area shall be located in the front yard. The parking area abutting Limeridge Road is located in the required front yard and is Nato permitted.

10. Please indicate the proposed use of the vehicle turn-around located off of Locheed Drive."

Further to the above-mentioned comments, the Community Planning and Development Division - Building Department Building has advised:-

"1. Based upon the dimensions submitted and a building height of 3.75, the following minimum setbacks are required:

Front Yard (Limeridge Road)	- 6.0 m
Side Yard (Street)	- 4.62 m
Side Yard (Interior)	- 4.62 m
Rear Yard	- 5.9 m

2. The designer shall ensure that the fire access route conforms to Secton 3.2.5 of the Ontario Building Code.

3. Signs are not permittted."

- The Community Planning and Development Division (Development Engineering Section) have advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

1. According to our records the road allowance widenings on Lennox Street, Limeridge Road East and the daylight triangle were previously acquired through the registration of Plans 62M-89 and 62M-194. Locheed Drive is also established at 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

2. We have the following comments on the preliminary site plan submitted:

   i) We require 5m by 5m visibility triangles between the accesses and the road allowance limits in which the maximum height of any object or mature vegetation is not to exceed 0.60m above the corresponding perpendicular centreline elevation of the adjacent streets. The site plan should be revised accordingly.

   ii) Comments from the Gas Utility with respect to landscaping over their easement should be considered.

   iii) Any landscaping within the adjacent road allowances, other than sod or annual flowers, requires an Encroachment Agreement with the City of Hamilton. The height of the vegetation proposed must also conform to the same criteria used for visibility triangles.

   iv) The proposed directional signs for the access on Locheed Drive must be covered under the Approach Approvals from the Traffic Division and should conform to the standard signing used in the Ontario Manual of Uniform Traffic Control Devices.

   v) Any other works which may occur within the adjacent road allowances must conform to the City of Hamilton Streets By-law.

   vi) More details comments on grading, access, landscaping, etc. will be provided at such time as this development is reviewed through the site plan approval process.

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The approved Lisgar Neighbourhood Plan designates the subject lands as "Commercial". If approved, a neighbourhood plan amendment is

required to redesignate the lands from "Commercial" to "Commercial and Residential", upon finalization of the implementing Zoning By-law.

3. The proposed "Community and Residential Care Access Centre" has merit and can be supported for the following reasons:

(i) the "Community and Residential Care Access Centre" will provide residential care and short-term care facilities and medical services, including patient care, assessment and uptake, to the communities of the Hamilton East;

(ii) it is situated on a major arterial road; and,

(ii) it would be compatible with and complementary to the abutting and planned residential and commercial uses in the surrounding area.

4. Based upon the proposal and the preliminary site plan submitted for a "Community and Residential Care Access Centre", the By-law will:

Use

- Restrict the height of the "Community and Residential Care Access Centre" to one (1) storey in height, as proposed, whereas the provisions of the Zoning By-law permit a maximum height of 3 storeys.

- Permit a maximum gross floor area of 2,449.90 m^2, of which comprised of 1673.12 m^2 maximum gross floor area for the Residential Care and Short Term Care Facilities and 776.78 m^2 maximum gross floor area for the medical offices and commercial retail stores, including hallways and common amenity areas whereas the provisions of the Zoning By-law utilizes a floor area ratio factor of 0.9 (6,293 m^2).

- For the purposes of the by-law, a "Community and Residential Care Access Centre" is defined as a building containing both residential and commercial uses, subject to the following restrictions:

(i) The Residential Care Facility will be restricted to a maximum capacity of 24 residents who are at least 65 years of age. The Short-term Residential Care component will be restricted in size to a maximum capacity of 16 residents who are at least 65 years of age;

(ii) a dining room, used in conjunction with the residential and short term care facilities shall be permitted; and,

(iii) The commercial uses will be restricted to a commercial retail store having a maximum gross floor area of 207.0 m^2, offices for medical or

dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore;

Yards

- Permit a minimum front yard setback of 4.5 m and an average depth of 5.2 m, as proposed, whereas the provisions of the Zoning By-law require a minimum front yard setback of 6.0 m. The proposed front yard setback varies from 6.0 m to 4.5 m minimum for an average setback of 5.2 m. The residential district ("C" District), immediately to the east, requires a 6.0 m minimum. The proposed gradation for the front yard is in keeping with the established yards.

- Permit a minimum easterly side yard of 2.0 m and an average depth of 4.5 m whereas the provisions of the Zoning By-law require a minimum side yard of 4.62 m. The proposed side yard setback will actually vary from 6.55 m maximum to 2.0 m minimum for an average setback of 4.5 m. The residential district ("C" – District), immediately to the east, requires a 1.2 m minimum. The proposed gradation for the side yard is in keeping with the established side yards immediately to the east.

- Permit a minimum westerly side yard of 3.8 m whereas the provisions of the Zoning By-law require a minimum side yard of 4.62 m. This variance is necessary to recognize the westerly side yard setback of the existing building.

- Permit a minimum rear yard of 4.57 m whereas the provisions of the Zoning By-law require a minimum rear yard of 5.9 m. The variance is necessary to recognize the northerly rear yard setback of the existing building.

Signs

- Permit business identification signage for the "Community and Residential Care Access Centre" subject to the sign being an unlighted ground sign with a maximum area of 4.2 square metres and requires that the sign be setback a minimum of 2.0 m from any lot line and commercial business identification wall signs in accordance with the existing "G" District zoning.

Parking and Loading Space

- Eliminate the required loading space for the medical offices whereas one (1) loading space at 9.0 m x 3.7 m x 4.3 m is required. Although a loading space has not been officially designated, loading and unloading will occur in front of the building within the 6.0 m manoeuvring aisle of the existing parking area. The Department of Public Works and Traffic support the variance and concur

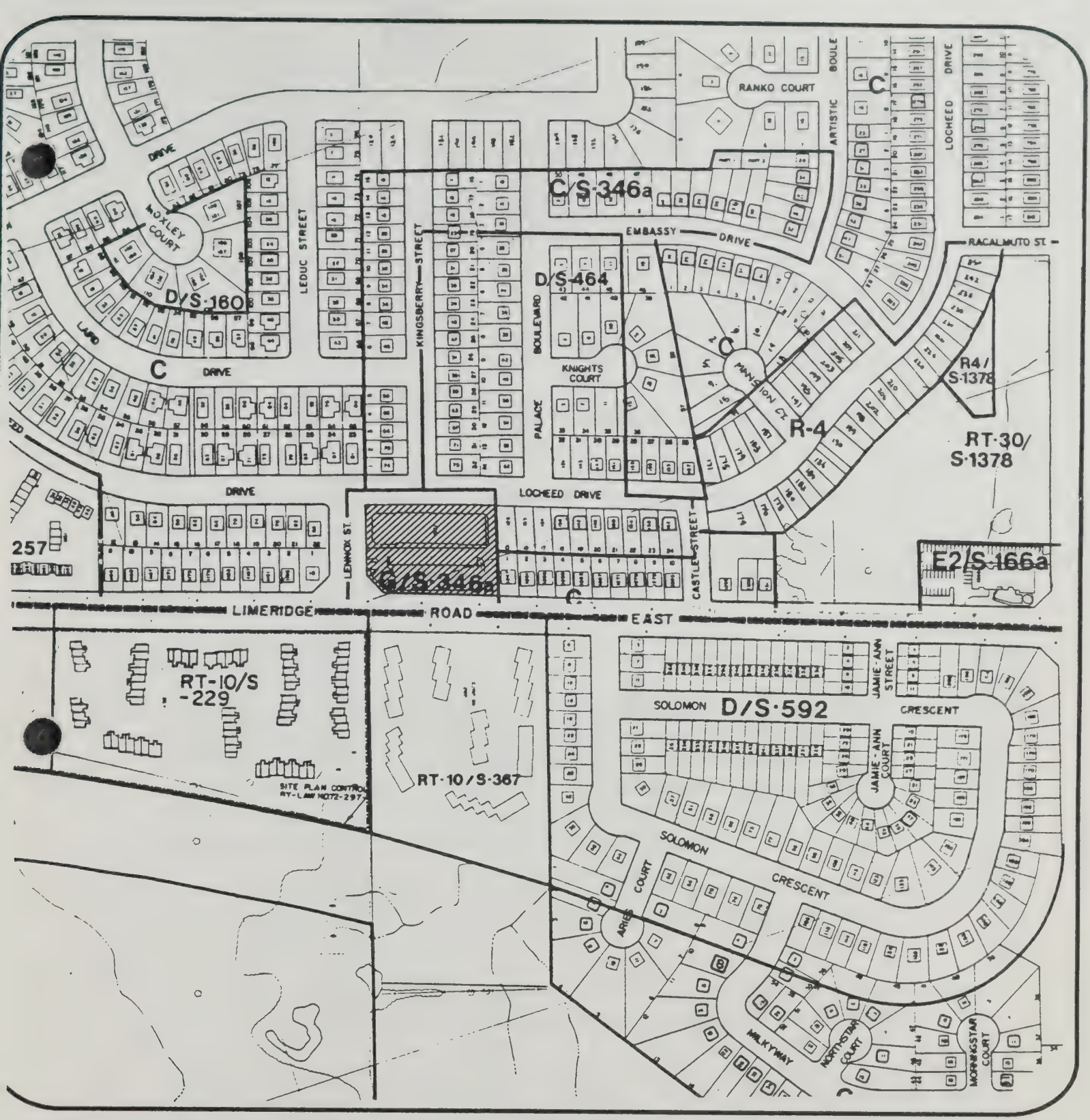
The Department of Public Works and Traffic support the variance and concur with loading and unloading activity occurring within the existing parking area, since it will not affect the operation of the parking area.

- Permit the existing parking area to be located within the required front yard whereas the By-law does not permit parking in the required front yard of a residential district. This variance is necessary to recognize the existing parking lot that was developed under the current "G" District regulations.

5. The "DE-3" District is subject to Site Plan Control. Accordingly, matters such as grading, drainage, landscaping, fencing, building design, orientation and driveway access, etc. will be further reviewed at the site plan control stage of development.

CONCLUSION:

Based on the foregoing, the application for a "Community and Residential Access Care Facility" and related commercial uses can be supported.





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

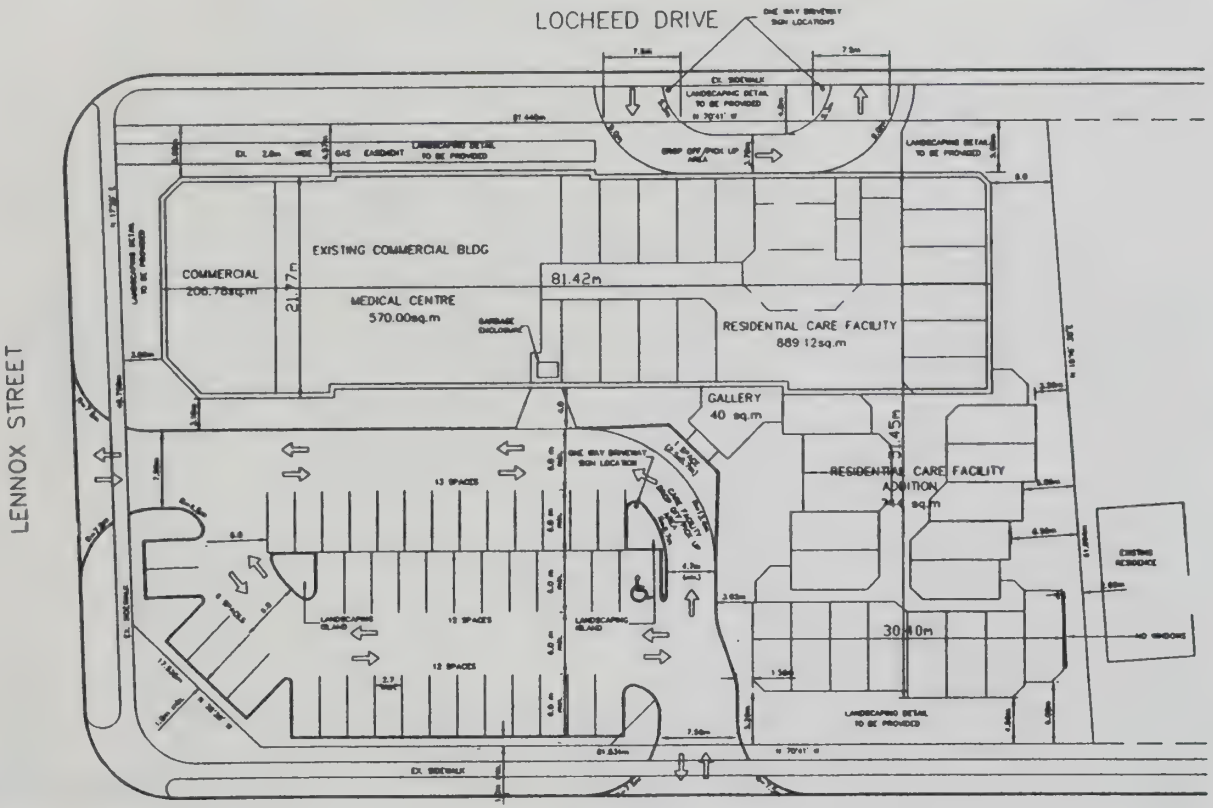
Site of Application

Change in zoning :-

From "G" (Neighbourhood Shopping Centre, etc.) District to "DE-3" (Multiple Dwellings) District, modifed

Reference file:	ZAC-99 -07
Scale	Not to Scale
Date	March,1999
Technician:	FAB
	APPENDIX A

EASTMOUNT COMMUNITY HEALTH CENTRE





KEY MAP
n.t.s.

DEVELOPMENT DETAILS:

	REQUIRED	PROPOSED
TOTAL LOT AREA	4,331 sq.m	5865 sq.m
MIN. FRONT YARD m	3.00 m	4.50 m
MIN. FRONT YARD b	4.50m	4.50 m
MIN. SIDE YARD c	4.35 m	2.60 m
MIN. SIDE YARD d	3.70 m	3.00 m
LANDSCAPED AREA	1,306.51 sq.m	1,484.07 sq.m
MAX. GROSS FLOOR AREA	MAX. 2000 ALLOWED	1495
PARKING		
COMMERCIAL	8	8
MEDICAL	30	30
CARE FACILITY	14	14
TOTAL	44	44

NOTE
AVERAGE LANDSCAPING STRIP AS PER AMENDED ZONING BY-LAW NO 6593

NO	DATE	BY	REVISIONS
DESIGN	BMP	CHK'D	BM
DRAWN	BMP	CHK'D	BM

DATE MAR. 1999

SCALE 1:200

APPROVALS

APPROVED ..... DATE .....

STAMP: RICARDO MANCINA PLANNER R.P.P.

PLANNING & ENGINEERING INITIATIVES LTD.

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

EASTMOUNT COMMUNITY HEALTH CENTRE
1221 LIMERIDGE ROAD EAST

PRELIMINARY SITE PLAN

PROJECT HP599 | 1 - 1

APPENDIX B

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 June 3
ZAC-99-09
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager, Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located east of James Street North, west of John Street North, south of the C.N. Railway line and north of Murray Street

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-99-09, Canadian National Railway, owner, for changes in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "H"-'H' (Community Shopping and Commercial, etc. – Holding) District (Block "1") and "A" (Conservation, Open Space and Parkland) District (Block "2") for lands known as 360 James Street North, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "H"-'H' (Community Shopping and Commercial, etc. – Holding) District;

(ii) That Block "2" be rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "A" (Conservation, Open Space and Parkland) District;

(iii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14. of Zoning By-law No. 6593, applicable to Block "1", as referred to in Section (i) be modified to include the following variances as special requirements:

a) That notwithstanding Section 14.(1), only the following uses shall be permitted:

(i) a restaurant, but not a drive-thru or take-out restaurant, banquet hall, training school and business or professional person's offices shall be permitted only within the building

existing on the day of the passing of the by-law provided that:

(1) the external appearance and character of the existing building shall be preserved and maintained;

(2) the banquet hall, including any areas for the preparation and cooking of food, shall have a maximum gross floor area of 840 square metres;

(3) the restaurant shall have a maximum gross floor area of 185 square meters;

(4) the business or professional person's offices shall have a maximum gross floor area of 750 square meters;

(5) the training school, including accessory offices and classrooms, shall have a maximum gross floor area of 1,200 square meters; and,

(ii) a maximum 3 storey building for use as a residential care facility for the accommodation of not more than 78 residents.

(b) Section 18A.(12)(c) shall not apply where Block "1" abuts Block "2";

(c) Notwithstanding Section 4.(3)(a) of Zoning By-law No. 6593, two buildings shall be permitted in accordance with Section (iii)(a) of this by-law;

(d) the following separation distance shall be provided and maintained between each of the two permitted buildings:

(i) a distance of not less than 10.0 metres;

(e) Section 18A.(36) shall not apply.

(iv) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "1" by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:

a) the owner receives approval from the Ontario Heritage Foundation for any site alterations, demolition or construction in accordance with the Conservation Easement to be registered on title of the subject lands;

b) the owner applies for and receives approval from City Council for a Heritage Permit, in accordance with the applicable provisions of the Ontario Heritage Act, for any site alterations, demolition or construction in accordance with the provisions of By-law No. 95-115 (A By-law to Designate Land Located at Municipal No. 360 James Street North (241 Stuart Street) as Property of Historic and Architectural Value and Interest) and completes a Heritage Impact Assessment to the satisfaction of the General Manager, Community Planning and Development Division;

c) the owner applies for and receives final approval for a Site Plan Control Application;

d) completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending noise/vibration control measures (if applicable), with said study and noise/vibration control measures being to the satisfaction of the Director, Land Development, Community Planning and Development Division;

e) completion of a servicing study to show how the proposed 78 Bed Residential Care facility will be serviced for storm and sanitary sewers to the satisfaction of the Director, Land Development, Community Planning and Development Division.

The 'H' symbol shall be removed by amendment to this by-law and the development of the subject lands may proceed in accordance with the "H" (Community Shopping and Commercial, etc. – Holding) District provisions, as modified.

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-3 be notated as S - ;

(v) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council;

(vi) That upon finalizaiton of the implementing zoning by-law, the approved Beasley Neighbourhood Plan be amended to redesignate the northern portion of the subject lands from "Utilities" to "Commercial & Residential"; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for changes in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "H"-'H' (Community Shopping and Commercial, etc. – Holding) District (Block "1") and "A" (Conservation, Open Space and Parkland) District (Block "2") for lands known as 360 James Street North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the redevelopment of the subject lands on the following basis:

Block "1" - to permit the conversion of the existing building (former CN Station) for use as a training centre, restaurant, office, retail and entertainment uses and the construction of a 3 storey building for use as a 78 bed residential care facility; and,

Block "2" - open space uses.

In addition, the By-law provides for the following variances as special provisions:

(i) the By-law requires that the external appearance and character of the existing building shall be preserved and maintained;

(ii) the By-law restricts the size of the uses within the existing building as follows:

- for the banquet hall, including any areas for the preparation and cooking of food, a maximum gross floor area of 840 square metres;
- for the restaurant, a maximum gross floor area of 185 square meters;
- for the business or professional person's offices, a maximum gross floor area of 750 square meters;
- for the training school, including accessory offices and classrooms, a maximum gross floor area of 1,200 square meters.

(iii) the By-law removes the requirement for a visual barrier between 1.2 m and 2.0 m in height where Block "1" abuts Block "2";

(iv) the By-law permits two buildings on one lot whereas the provisions of the Zoning By-law only permit one building;

(v) the By-law requires that there be a minimum separation distance of 10.0 metres between buildings on Block "1";

(vi) the By-law removes the requirement that the parking area and driveways used in conjunction with a restaurant be located 12.0 m from and that the points of ingress/egress for the restaurant parking must be 30.0 m from any residential district.

In addition, the By-law also establishes the holding provisions of Section 36(1) of the Planning Act on Block "1" by introducing the holding symbol 'H' as a suffix to the proposed "H" District zoning. The holding provisions will prohibit development of the subject lands until the following conditions are fulfilled:

a) the owner receives approval from the Ontario Heritage Foundation for any site alterations, demolition or construction in accordance with the Conservation Easement to be registered on title of the subject lands;

b) the owner applies for and receives approval from City Council for a Heritage Permit, in accordance with the applicable provisions of the Ontario Heritage Act, for any site alterations, demolition or construction in accordance with the provisions of By-law No. 95-115 (A By-law to Designate Land Located at Municipal No. 360 James Street North (241 Stuart Street) as Property of Historic and Architectural Value and Interest) and completes a Heritage Impact Assessment to the satisfaction of the General Manager, Community Planning and Development Division,;

c) The owner applies for and receives final approval for a site plan control application;

d) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending noise/vibration control measures (if applicable), with said study and noise/vibration control measures being to the satisfaction of the Director, Land Development, Community Planning and Development Division; and,

e) completion of a servicing study to show how the proposed 78 Bed Residential Care facility will be serviced for storm and sanitary sewers to the satisfaction of the Director, Land Development, Community Planning and Development Division.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for changes in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "H"-'H' (Community Shopping and Commercial, etc. – Holding) District (Block "1") and "A" (Conservation, Open Space and Parkland) District (Block "2") for lands known as 360 James Street North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the redevelopment of the subject lands on the following basis:

Block "1" - to permit the conversion of the existing building for use as a training centre, restaurant, office, retail and entertainment uses and the construction of a 3 storey building for use as a 78 bed residential care facility; and,

Block "2" - to retain the open space uses.

Severance Application B-97-98

Severance Application B-97:98 was approved on June 30, 1998. The application was to convey a rectangular shaped parcel of land and to retain an irregular shaped parcel of land on which the former CN Railway station is located. The application was approved subject to, amongst other conditions, the applicant submitting a Zoning By-law amendment application to rezone the lands to be retained from "J" District to "H"-'H' District and "A" District.

Zoning Application 99-10

An application for changes in zoning has been submitted by C.N. Railway for the adjacent lands to the west (former C.N. Railway line). The purpose of Zoning Application 99-10 is for changes in zoning from "H" (Community Shopping and Commercial, etc.) District (Block "1") and "J" (Light and Limited Heavy Industry, etc.) District (Block "2") to "G-3" – 'H' (Public Parking Lots – Holding) District for lands located west of James Street and south of the C.N. Railway as shown on APPENDIX "B". It is proposed to use these lands as a public parking lot in conjunction with the proposed redevelopment of the former C.N. Railway station. Zoning Application 99-10 has also been scheduled for a public meeting of the Planning and Development Committee on June 23, 1999.

APPLICANT:

C.N. Railway, owner.

AGENT:

A. Biago.

LOT SIZE AND AREA:

The subject lands to be rezoned are irregular in shape and have :

- a lot width along James Street North of 146.45 m;
- a lot depth of 176.5 m; and
- a lot area 2.37 ha.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant (former C.N. Railway station and rail line)	"J" (Light and Limited Heavy Industry, etc.) District
Surrounding Land Use		
To the north	C.N. rail line and vacant lands	"J" (Light and Limited Heavy Industry, etc.) District
To the south	Commercial and Residential Uses	"H" (Community Shopping) District and "D" (Urban Protected Residential – One and Two Family, etc.) District
To the west	Vacant lands and commercial buildings	"H" (Community Shopping and Commercial, etc.) District and "J" (Light and Limited Heavy Industry, etc.) District
To the east	Residential (single detached, semi-detached and row dwellings) and vacant lands	"D" (Urban Protected Residential – One and Two Family, etc.) District and "J" (Light and Limited Heavy Industry, etc.) District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" of the Official Plan. Prior to development of the subject lands, the policies of Subsection C.6 (Heritage Resources), C.9 (Noise and Vibration) and Subsection C.4 (Pollution) must be complied with.

Under the provisions of Subsection C.6, the applicant will be required to prepare a heritage impact assessment prior to any development or redevelopment of the subject lands. In addition, it is noted that the subject lands abut a railway line and the proposed perimeter road and that the subject lands were previously used for railway purposes. In this regard, appropriate noise and soil contamination studies are required in accordance with Subsection C.4 and C.9 of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Utilities" with a Special Policy Area 1 "Park – Passive" and "Pedestrian/Cyclist Pathway" in the approved Beasley Neighbourhood Plan. Approval of the application will require a neighbourhood plan amendment to redesignate the northern portion of the subject lands from "Utilities" to "Commercial & Residential".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.

  The Traffic Division, Transportation, Operations and Enforcement Division has advised of the following:

  "The applicant should be advised that all driveways from the property lines for 7.5 metres shall be within 5% maximum grade, therefore, all driveways shall be within 10% maximum grade. Proper grade transitions must be provided at the ramp end points."

- The Development Engineering Section, Community Planning and Development Division have advised of the following:

  "1. There are public watermains and combined sewers available to service the subject lands. The applicant is required to provide the Region with a servicing study to show how the proposed 78 Bed Residential Care Facility will be serviced for storm and sanitary sewers.

  2. These lands are the subject of Severance Application B-97:98 and all issues relating to the City of Hamilton Bridge Easement for MacNab Street, reference plans, etc. and the sewer easements to the Region of Hamilton-Wentworth will be dealt with through the conditions of approval for the

severance application.

3. We will provide further comments on grading, access locations, motorist sight lines entering the public roadways at such time as detailed site, grading and landscape plans are submitted for our review and comments. We recommend that these lands be developed through site plan control.

4. It is unclear whether these lands to be rezoned are for at-grade parking from James Street or parking at the track level from the adjacent streets and this should be confirmed by the applicant/owner.

5. As the applicant/owner is aware, the lands to be rezoned may be required for the construction of the Hamilton Perimeter Road. To date, the Environmental Assessment Studies have not been completed and the alignment detail of the Hamilton Perimeter Road has not been established. Therefore, the Region is not in a position to make an offer if purchase of these lands at this time or in a position to determine whether or not the lands will be required for this roadway construction.

   The grade of the James Street and John Street bridges over the CNR mainline may be changed as a result of the Perimeter Road construction. Further, the sideslopes adjacent to these structures may also be changed. The applicant should be advised that there may be access restrictions on James Street and John Street with access being permitted on Murray Street only and that road allowance widenings adjacent to John Street and James Street may be required for side slope purposes. Dependent on the site development, a road allowance widening may also be required to establish a cul-de-sac bulb on the north end of Hughson Street. We recommend that the future owner meet with our staff to discuss these matters further to ensure that the site plan and development of these takes into consideration our concerns and recommendations.

6. Any other works within the adjacent road allowances must conform to the respective Streets By-laws.

7. We have reviewed this application on the basis that the lands to be rezoned will be placed in a 'Holding' provision until such time as all the engineering and site plan details have been addressed to the satisfaction of the City and the Region.

8. Comment from CNR with respect to setbacks from the railway mainline for the residential complex, grading, etc. should be considered.

9. It appears that there will only be one access to service the residential care facility and parking at track level and comments on this should be received from the respective Emergency Agencies."

- The Land Development Section, Community Planning and Development Division have advised of the following:

"The subject lands are identified as "Urban Area" in the Hamilton–Wentworth Official Plan (HWOP).

Since the subject lands contains an existing building which was previously used as an Canadian National Railway Station, and is adjacent to an existing railway line to the north, the subject lands has potential of site contamination. As such, the proposal must conform to Policy B-2.3 "Contaminated Sites Remediation of the HWOP.

Also, Policy D-6.1 "Secondary/Neighbourhood Plans" of the HWOP, states in part, the following:

> "Regional approval for subdivisions, conveyance of land or other forms of development will be given only if the proposal is in conformity with the relevant Area Municipal Official Plan, secondary plans and policies of this Plan".

Therefore, in terms of the proposed land use, provided the proposed rezoning conforms to the City of Hamilton Official Plan and Secondary Plan for this area, the proposal would not conflict with the intent of the HWOP.

In addition, Policy C-4.3.1.6 "Road Network", of the HWOP, states the following:

> "Through secondary or neighbourhood plans, establish and protect rights-of-way in undeveloped areas or areas planned for extensive redevelopment, up to the limits of the minimum width, except where specific regulations require a greater right-of-way".

Since a portion of the subject lands are designated and/or are adjacent and in close proximity to the proposed "Perimeter Road", as identified in the HWOP, comments should be obtained from the Transportation, Operations & Environment Division (formerly Regional Roads Dept.), with respect to potential impacts of this proposal on the proposed Perimeter Road.

Further, since the subject lands contains an existing building (i.e. former CN Station), which may have significant historical features, the City through LACAC should ensure that the historical features and character of this building is protected in accordance with HWOP policies under Section B-9 "Historical Resources".

Provincial Comments: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands contain an existing railway station

adjacent to an active railway line, which has the potential for having site contamination, and noise/vibration impacts on the proposed development, the application requires further demonstration of how it has regard for the following policies of the PPS:

1 Efficient, Cost-Effective Development and Land Use Patterns

1.1 Developing Strong Communities

1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:

f) Development and land use patterns which may cause environmental or public health and safety concerns will be avoided; and,

1.1.3 Long Term economic prosperity will be supported by:

g) planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

3 Public Health and Safety

3.2 Human-made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associates with the proposed use such that there will be no adverse effect.

Therefore, the following items must be completed prior to the approval of the proposed development:

1) Submission of a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

2) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending noise/vibration control measures (if applicable), with said study and noise/vibration control measures being to the satisfaction of the Region."

- The Building Department, Community Planning and Development Division have advised of the following:

"1. The area that is to become an "A" District, which is Part 9 on the survey, meets all requirements for use and dimensions.

2. All setback and dimension requirements are met for the proposed "H" – 'H' District development.

3. The proposed residential care facility use is for 78 residents, the "H" District permits a maximum of 20. The distance requirement of 180m of separation from existing residential or short term care facilities can currently be met.

4. The proposed training centre, restaurant, retail and entertainment uses in the former CNR building are not all permitted. Restaurant uses in the district are not permitted to have dancing or other live entertainment, nor is a banquet hall/public hall use permitted.

5. The required parking spaces, calculated on the approximate square footage per use in the former CNR building is 181, and in the proposed care facility, based on 78 residents, is 26 spaces, for a total of 207.

6. Two loading spaces are required for the CNR building uses.

7. The proposed "H" – 'H' District will abut the "A" District on the south-west and a "D" District on the south-east, so 18A.(11) applies, requiring 1.5 m planting strips and 1.2 m to 2.m high visual barriers where the residential districts abut.

8. Because of the proposed restaurant use in the "H" District, Section 18A.(35) applies, requiring a 12.0 m distance from any residential districts for the parking area and driveways used in conjunction with a restaurant (it is not clear on the site plan if the two buildings will share parking areas) and the points of ingress/egress for the restaurant parking must be 30.0 m from any residential district.

9. The By-law does not permit a second building for residential purposes to be built upon the site.

10. The Ontario Building Code, in Sections 3.2.5.5 and 3.2.5.6, contains requirements for fire hydrant placement and access route design that must be complied with.

11. The property is designated under the Ontario Heritage Act, by By-law No. 95-115.

12. A demolition of the east wing of the CNR building is subject to a permit in the normal manner."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan. However, approval of the application will required an amendment to the approved Beasley Neighbourhood Plan to redesignate the northerly portion of the subject lands from "Utilities" to "Commercial & Residential".

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan;
   ii) it will allow for the adaptive reuse of the existing CN Railway station;
   iii) the proposed uses are compatible and complentary to the uses in the surrounding area;
   iv) the proposed residential care facility is near existing commercial and open space areas and is located in close proximity to public transit; and,
   v) the proposed changes in zoning are effectively a down-zoning, in that the proposed "H" District uses are less intensive than the industrial and commercial uses permitted under the existing "J" District.

3. The proposed changes in zoning implement the conditions of Severance Application B-97:98. The conditions of the severance application require the applicant to submit a Zoning By-law amendment application to rezone the lands to be retained from "J" District to "H"-'H' District and "A" District.

4. Under the provisions of the Heritage Railway Stations Protection Act, the subject lands are recognized as a heritage railway station and subject to Federal heritage protection. This protection ceases at the time of transfer of ownership from CN Railway to a private body/person.

   The Order in Council authorizing CN Railway to sell the subject lands contains a requirement that the purchaser agrees to grant the Ontario Heritage Foundation a heritage conservation easement. The Ontario Heritage Foundation has classified the CN Station as Heritage Class "A", that being architecturally significant and unique to the Province of Ontario. In this regard, the applicant/owner is required to obtain approval from the Ontario Heritage Foundation prior to any site alterations, demolition or construction in accordance with the terms of Conservation Easement.

   The subject lands have been designated by City as being of historical and architectural significance Council under the Ontario Heritage Act. In addition to the requirements of the Ontario Heritage Foundation, the applicant will be required to apply for and receive a Heritage Permit for any site alterations, demolition or construction in accordance with the reasons for designation

contained in By-law No. 95-115. As part of the heritage permit process, and in accordance with the provisions of Subsection C.6 (Heritage Resources) of the Official Plan, the applicant will be required to prepare a heritage impact assessment to ensure that the proposed changes to the former CN Railway station and the new building are sympathetic to the architectural and heritage attributes of the former CN Railway station.

5. The redevelopment of the subject lands, and the construction of a new building for use as a residential care facility, will requires variances to the "H" District as follows:

Building Design and Uses: The former CN Station has been designated as an architecturally and historically significant building. As such, it is appropriate to required that the external appearance and character of the existing building be preserved and maintained.

Based on the conceptual plans submitted by the applicant, the restaurant, the banquet hall, the offices and the training school are proposed to be located within the existing building. At the time of the approval of the severance application, Community Planning and Development Division staff negotiated the following size restrictions on the proposed uses:

- banquet hall - 840 square metres;
- restaurant - 185 square meters;
- offices - 750 square meters; and,
- training school - 1,200 square meters.

In this regard, it is appropriate to place restrictions on the size of the uses within the existing building in accordance with the agreement negotiated at the time of the severance application.

The residential care facility was not contemplated at the time of the severance application. A residential care facility for the accommodation of not more than 20 residents is a permitted use in the "H" District. The applicant has requested a maximum capacity of 78 residents (senior citizens) in a three storey building.

Building Location: Under the Zoning By-law, only one building is permitted on a lot. A variance to the By-law is required to permit the construction of a second building on the subject lands. As the application is for the comprehensive redevelopment of the subject lands, the variance to the By-law can be supported. However, to preserve the character of the former CN Railway station, a minimum separation distance of 10.0 metres between buildings should be required.

Parking Areas, Visual Barriers and Points of Ingress/Egress: Where a restaurant use abuts a residential district, the parking area and driveways used in conjunction with a restaurant must be setback 12.0 m from the lot line. In

addition, the points of ingress/egress for the restaurant parking must be 30.0 m from any residential district. In addition, a visual barrier between 1.2 m and 2.0 m in height is required.

The applicant is proposing to maintain the existing access points, whereby the majority of the parking will be located below grade on the lands previously used for the railway tracks. The parking area located off James St. N. will be retained. In this regard, the location of the parking areas and access points will remain the same. As such, the variance to the by-law can be supported for the location of the parking areas and access points.

The Zoning By-law requires that a visual barrier between 1.2 m and 2.0 m in height is required where Block "1" abuts Block "2" because of the proposed "A" District zoning for Block "2". A visual barrier would detract from the site context of the former CN Station and is a technicality. Therefore the proposed variance can be supported.

6. The construction of a new 3 storey building for use as a 78 bed residential care facility was not contemplated at the time of the severance application. In addition, the former CN Railway station has been designated as of being architecturally and historically significant. In this regard, it is it appropriate to place the subject lands in a holding zone until such time as the applicant/owner has obtained the applicable approvals and submitted the following studies:

   i) approval from the Ontario Heritage Foundation for any site alterations, demolition or construction in accordance with the Conservation Easement to be registered on title of the subject lands;
   ii) approval from City Council for a Heritage Permit, in accordance with the applicable provisions of the Ontario Heritage Act, and completion of a Heritage Impact Assessment to the satisfaction of the General Manager, Community Planning and Development Division, for any site alterations, demolition or construction.
   iii) a noise/vibration assessment study investigating noise/vibration levels impacting the proposed residential care facility and recommending noise/vibration control measures (if applicable), with said study and noise/vibration control measures; and,
   iv) a servicing study to show how the proposed 78 Bed Residential Care Facility will be serviced for storm and sanitary sewers.

7. In accordance with the provisions of the Official Plan and as a condition of approval for Severance Applications B-97:97 and B-97:98, the applicant was required to submit a Record of Site Condition (RSC) to the Region of Hamilton-Wentworth/Ministry of Environment (MOE). In this regard, the Region of Hamilton-Wentworth has advised that the MOE has acknowledged receipt of the RSC submitted by CN Railway. As such, the conditions of severance approval pertaining to the need for a RSC have been satisfied and is not required to be included in the

'H' Holding provision.

8. The northern portion of the subject lands are designated "Utilities" with a Special Policy Area in the approved Beasley Neighbourhood Plan. The neighbourhood plan identifies a pedestrian/cyclist pathway over the subject lands.

   It is proposed that Block "2" be rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "A" (Conservation, Open Space and Parkland) District for open space uses. The Parks Staff Sub-Committee reviewed the feasibility of acquiring these lands for park purposes but concluded that it was preferable to acquire land for a walkway connecting James St. N. with the waterfront instead of the square in front of the station.

   The dedication of the walkway should be required as a condition of site plan approval based on the detailed development plans submitted. The walkway would be between 3 and 6 m in width but the exact location of the walkway is to be determined to ensure that the dedication of walkway to the City would not bisect the lands in half or adversely affect the viability of the remainder of the lands for use as a parking lot.

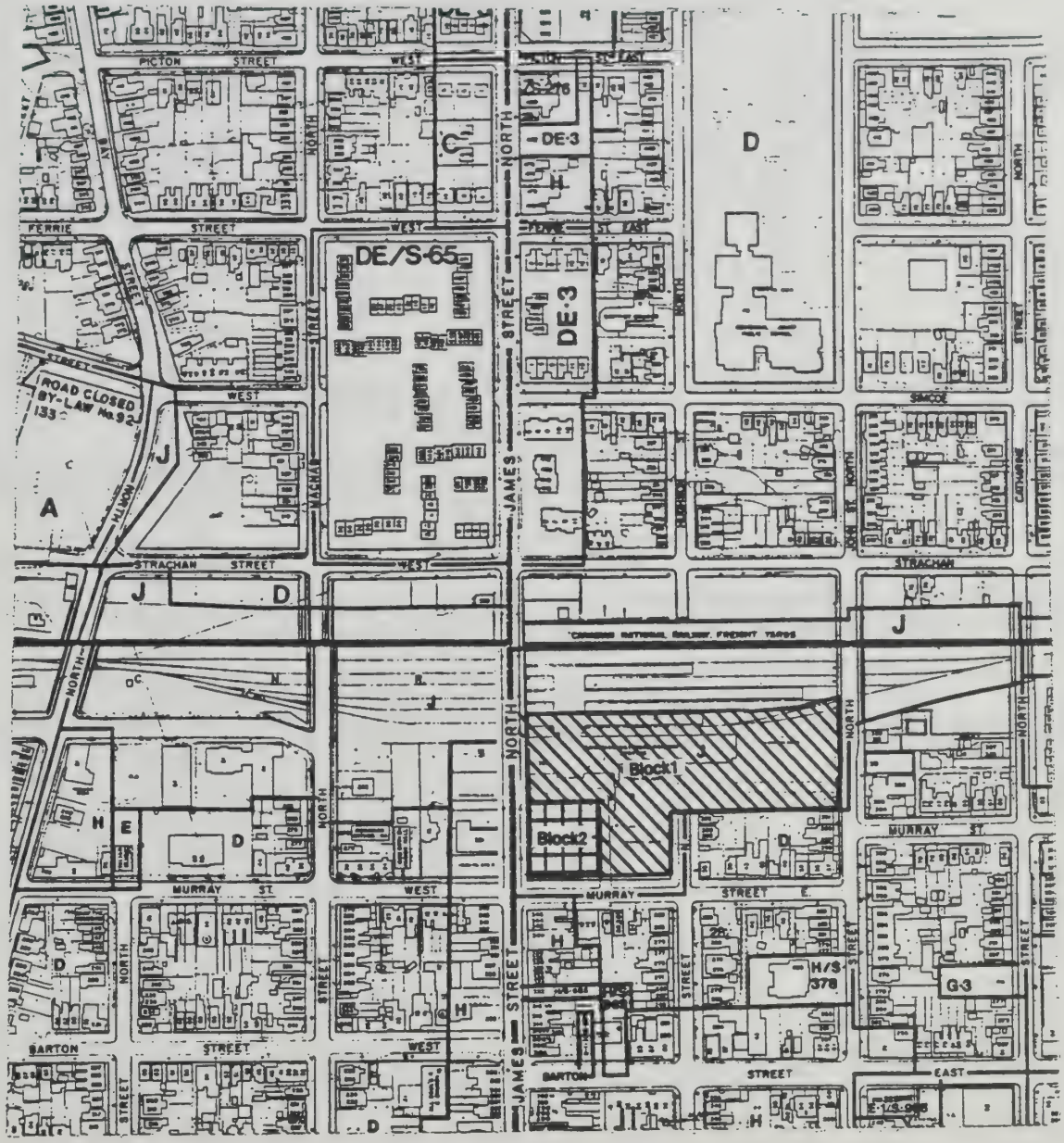
9. The Land Development Section, Community Planning and Development Division advised that based on the Hamilton-Wentworth Official Plan a portion of the subject lands are designated and/or are adjacent to the proposed "Perimeter Road".

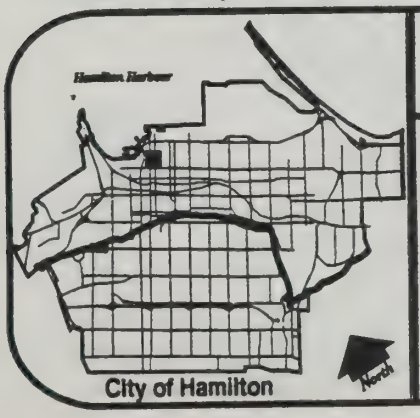
   The Transportation, Operations & Environment Division have advised that the lands to be rezoned may be required for the construction of the Hamilton Perimeter Road. However, the Environmental Assessment Studies for the Perimeter Road have not been completed. Therefore, the alignment detail has not been established. Therefore, the Region is not in a position to make an offer of purchase for these lands or in a position to determine whether or not the lands will be required for the Perimeter Road. It is noted that the use of the subject lands would not preclude the future construction of the Perimeter Road, depending upon the final roadway alignment.

CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-09.doc
SR/sr





PLANNING AND DEVELOPMENT DEPARTMENT

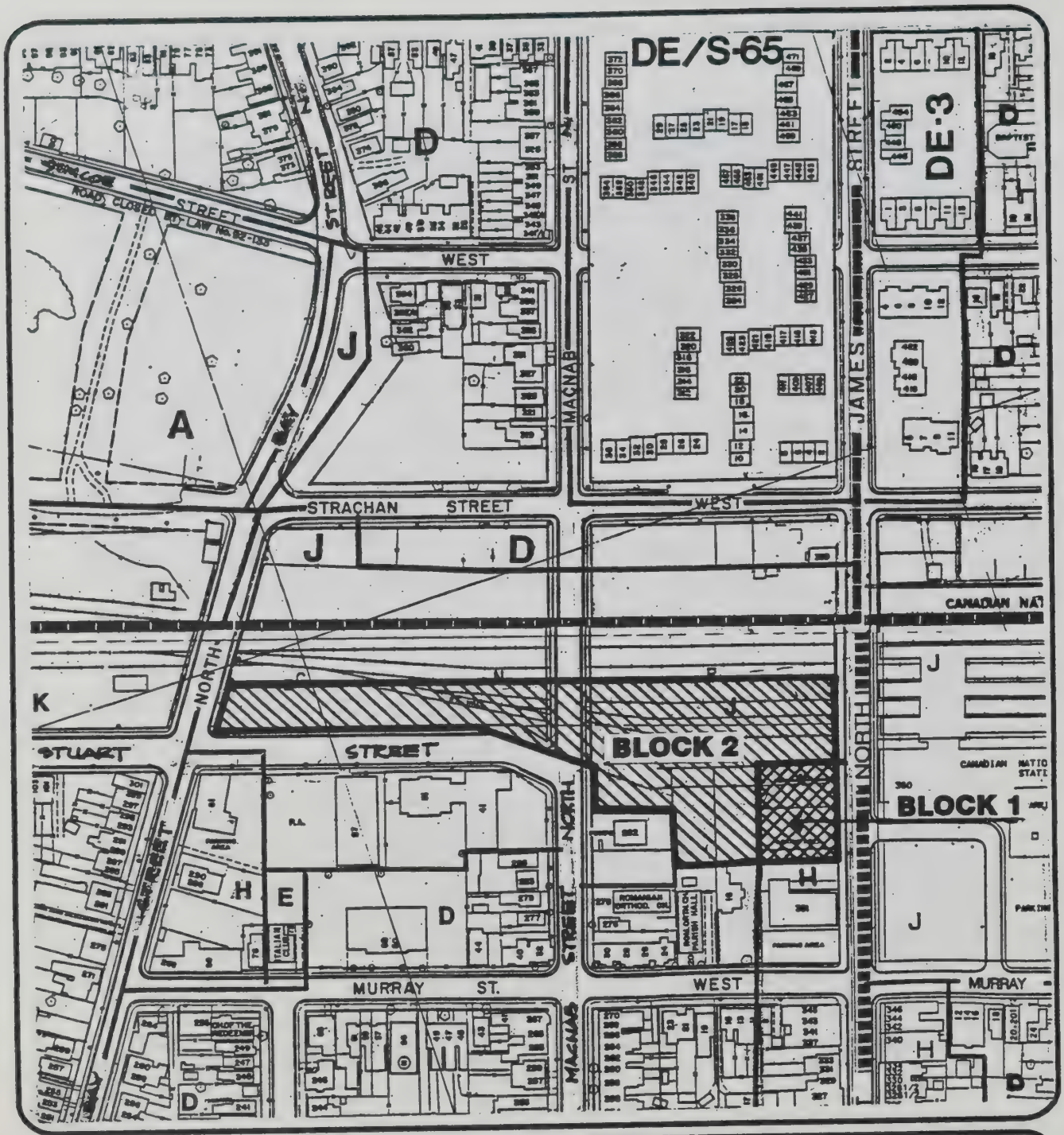
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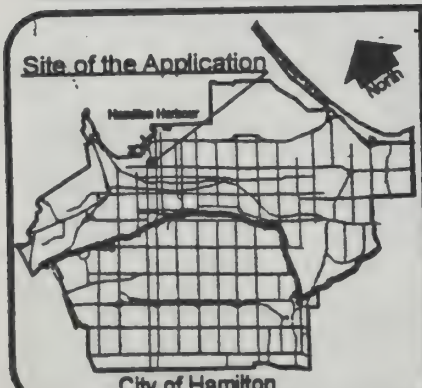
Legend

Block1 — Change in Zoning :
From: "J" (Light and Limited Heavy Industrial) District to "H" - "H" (Commercial - Holding) District

Block2 — From: "J" (Light and Limited Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District

Reference file:	ZAC-99-09
Scale	Not to Scale
Date	MAY,1999
Technician:	FAB
	APPENDIX A





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Change in Zoning from:

BLOCK 1

"H" (Community Shopping and Commercial, etc.) District to "G-3"-'H' (Public Parking Lots-Holding) District

BLOCK 2

"J" (Light and Limited Heavy Industry, etc.) District to "G-3"-'H'(Public Parking Lots-Holding) District

Reference file:	ZAC-99-10
Scale	Not to Scale
Date	May, 1999
Technician:	B. B.
	APPENDIX 'B'

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 June 1
ZAC-99-10
Central Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: LeeAnn Coveyduck
General Manager, Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located west of James Street, east of Bay Street North and south of the C.N. Railway line

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-99-10, Canadian National Railway, owner, for changes in zoning from "H" (Community Shopping and Commercial, etc.) District (Block "1") and "J" (Light and Limited Heavy Industry, etc.) District (Block "2") to "G-3" – 'H' (Public Parking Lots – Holding) District to permit the use of the subject lands for a public parking lot, for lands located west of James Street, east of Bay Street North and south of the C.N. Railway line, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District;

(ii) That Block "2" be from "J" (Light and Limited Heavy Industry, etc.) District to "G-3" – 'H' (Public Parking Lots - Holding) District

(iii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1" and "2" by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:

a) the applicant/owner has applied for and received approval of a Site Plan Control application from the City of Hamilton.

City Council may remove the 'H' symbol, and thereby give effect to the "G-3" District provisions as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-3 be notated as S - ;

(v) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-3 for presentation to City Council; and,

(vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a changes in zoning from "H" (Community Shopping and Commercial, etc.) District (Block "1") and "J" (Light and Limited Heavy Industry, etc.) District (Block "2") to "G-3" – 'H' (Public Parking Lots – Holding) District, for lands located on the west side of James Street, east of Bay Street North and south of the C.N. Railway line, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands as a public parking lot to be used in conjunction with the lands to the east known municipally as 360 James Street North (former C.N. Railway station).

In addition, the By-law also establishes the holding provisions of Section 36(1) of the Planning Act on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed "G-3" District zoning. The holding provisions will prohibit development of the subject lands until the following condition is fulfilled:

a) the owner applying for and receiving final approval for a Site Plan Control Application for the use of the subject lands as a public parking lot.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for changes in zoning from "H" (Community Shopping and Commercial, etc.) District (Block "1") and "J" (Light and Limited Heavy Industry, etc.) District (Block "2") to "G-3" – 'H' (Public Parking Lots – Holding) District to permit the use of the subject lands for a public parking lot, for lands located on the west side of James Street, east of Bay Street North and south of the C.N. Railway line, as shown on the attached map marked as APPENDIX "A"

Severance Application B-97-96

Severance Application B-97:96 was approved on June 30, 1998. The application was to convey an irregular shaped parcel of land to be used for 350 parking spaces. The application was approved subject to, amongst other conditions, the applicant submitting a Zoning By-law amendment application to rezone the lands to be conveyed from "H" and "J" District to "G-3" – 'H' (Public Parking Lots – Holding) District.

Zoning Application 99-09

An application for changes in zoning has been submitted by C.N. Railway for the adjacent lands to the east (the former C.N. Railway station). The purpose of Zoning Application 99-09 is for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "H"-'H' (Community Shopping and Commercial, etc. – Holding) District, modified and "A" (Conservation, Open Space and Parkland) District to permit the conversion of the existing building for use as a training centre, restaurant, office, retail and entertainment uses and for the construction of a new building for use as a 78 bed residential care facility and open space uses (see Appendix "B").

APPLICANT:

C.N. Railway, owner.

AGENT:

A. Biago.

LOT SIZE AND AREA:

The subject lands to be rezoned are irregular in shape and have :

- a lot width along James Street North of 94.48 m;
- a lot depth of 268.73 m; and
- a lot area 1.540 ha.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant (former C.N. rail line)	"J" (Light and Limited Heavy Industry, etc.) District
Surrounding Land Use		
to the north	C.N. rail line and vacant lands	"J" (Light and Limited Heavy Industry, etc.) District
to the south	Institutional, commercial and vacant lands	"J" (Light and Limited Heavy Industry, etc.) District and "H" (Community Shopping) District
to the west	C.N rail line	"J" (Light and Limited Heavy Industry, etc.) District
to the east	Former C.N. rail station	"J" (Light and Limited Heavy Industry, etc.) District

OFFICIAL PLAN:

The subject lands are designated "UTILITIES", "CENTRAL POLICY AREA" and "COMMERCIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" and "Utilities" in the Central Neighbourhood Plan. Approval of the application will require a neighbourhood plan amendment to redesignate the northern portion of the subject lands from "Utilities" to "Commercial".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.

The Traffic Division, Transportation, Operations and Environment Division has advised of the following:

"The applicant should be advised that all driveways from the property lines for 7.5 metres shall be within 5% maximum grade, therefore, all driveways shall be within 10% maximum grade. Proper grade transitions must be provided at the ramp end points."

The Development Engineering Section, Community Planning and Development Division have advised of the following:

"1. There are public watermains and combined sewers available to service the subject lands.

2. These lands are the subject of Severance Application B-97:96 and all issues relating to the City of Hamilton Bridge Easement for MacNab Street, reference plans, etc. and the sewer easements to the Region of Hamilton-Wentworth will be dealt with through the conditions of approval for the severance application.

3. We will provide further comments on grading, access locations, motorist sight lines entering the public roadways at such time as detailed site, grading and landscape plans are submitted for our review and comments. We recommend that these lands be developed through site plan control. In order to minimize sight line restrictions, we recommend that the accesses be located away from the fence and concrete abutments adjacent to the bridge over the CNR Mainline on James Street North.

4. We have been contacted by the developer with respect to providing an access from Stuart Street to lands to be used for parking purposes between Bay Street and James Street. It is unclear whether these lands to be rezoned are for at-grade parking from James Street or parking at the track level from the adjacent streets and this should be confirmed by the applicant/owner.

5. As the applicant/owner is aware, the lands to be rezoned may be required for the construction of the Hamilton Perimeter Road. To date, the Environmental Assessment Studies have not been completed and the alignment detail of the Hamilton Perimeter Road has not been established. Therefore, the Region is not in a position to make an offer of purchase of these lands at this time or in a position to determine whether or not the lands will be required for this roadway construction.

6. Any other works within the adjacent road allowances must conform to the respective Streets By-laws.

7. We have reviewed this application on the basis that the lands to be rezoned will be placed in a 'Holding' provision until such time as all the engineering and site plan details have been addressed to the satisfaction of the City and the Region."

- The Land Development Section, Community Planning and Development Division have advised of the following:

"The subject lands are identified as "Urban Area" in the Hamilton–Wentworth Official Plan (HWOP).

Policy D-6.1 "Secondary/Neighbourhood Plans", of the HWOP, states in part, the following:

> "Regional approval for subdivisions, conveyance of land or other forms of development will be given only if the proposal is in conformity with the relevant Area Municipal Official Plan, secondary plans and policies of this Plan".

Therefore, in terms of the proposed land use, provided the proposed rezoning conforms to the City of Hamilton Official Plan and Secondary Plan for this area, the proposal would not conflict with the intent of the HWOP.

In addition, Policy C-4.3.1.6 "Road Network", of the HWOP, states the following:

> "Through secondary or neighbourhood plans, establish and protect rights-of-way in undeveloped areas or areas planned for extensive redevelopment, up to the limits of the minimum width, except where specific regulations require a greater right-of-way".

Since a portion of the subject lands are designated and/or are adjacent and in close proximity to the proposed "Perimeter Road", as identified in the HWOP, comments should be obtained from the Transportation, Operations & Environment Division (formerly Regional Roads Dept.), with respect to potential impacts of this proposal on the proposed Perimeter Road."

- The Building Department, Community Planning and Development Division have advised of the following:

"1. No concept plan submitted to determine compliance to the "G-3" District provisions."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and Central Neighbourhood Plan. However, approval of the application will necessitate an amendment to the approved Central Neighbourhood Plan to redesignate the northern portion of the subject lands from "Utilities" to "Commercial".

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the Central Neighbourhood Plan;
   ii) it will allow for the adaptive reuse of the existing CN Railway station, located to the east of the subject lands, in that the subject lands will be used for parking in conjunction with the commercial uses proposed for the former railway station; and,
   iii) it implements the condition of severance approval that the subject lands be rezoned from "H" District and "J" District to "G-3" – 'H' District.

3. The proposed change in zoning implements the conditions of Severance Application B-97:96. The conditions of the severance application require the applicant to submit a Zoning By-law amendment application to rezone the lands to be conveyed from "H" and "J" District to "G-3" – 'H' District. A Building Permit may not be required prior to the use of the subject lands for a public parking lot. Therefore, it is appropriate to place the subject lands in a holding zone until such time as the owner apply for and receive final approval of a site plan control application to ensure that all engineering and site plan details have been addressed to the satisfaction of the City and the Region (i.e. to ensure that all driveways from the property lines for 7.5 metres shall be within 5% maximum grade and that proper grade transitions are provided at the ramp end points).

4. As a condition of approval for Severance Applications B-97:96 and B-97:97, the applicant was required to submit a Record of Site Condition (RSC) to the Region of Hamilton-Wentworth/Ministry of Environment. In this regard, the Region of Hamilton-Wentworth has advised that the Ministry of Environment has acknowledged receipt of the RSC submitted by CN Railway. As such, the condition of severance approval pertaining to the need for a RSC has been satisfied.

5. The zoning application for the former CN Railway station (ZA-99-09) proposes to rezone the vacant parcel of land shown as Block "2" on Appendix "B" from "J" (Light and Limited Heavy Industry, etc.) District to "A" (Conservation, Open Space and Parkland) District for open space uses. The Parks Planning Committee reviewed the feasibility of acquiring these lands for park purposes but concluded that it was preferable to acquire land for a walkway connecting James St. N. with the waterfront instead of the square in front of the station.

The dedication of the walkway should be required as a condition of site plan approval based on the detailed development plans submitted. The walkway would be between 3 and 6 m in width but the exact location of the walkway is to be determined to ensure that the dedication of walkway to the City would not bisect the lands in half or adversely affect the viability of the remainder of the lands for use as a parking lot.

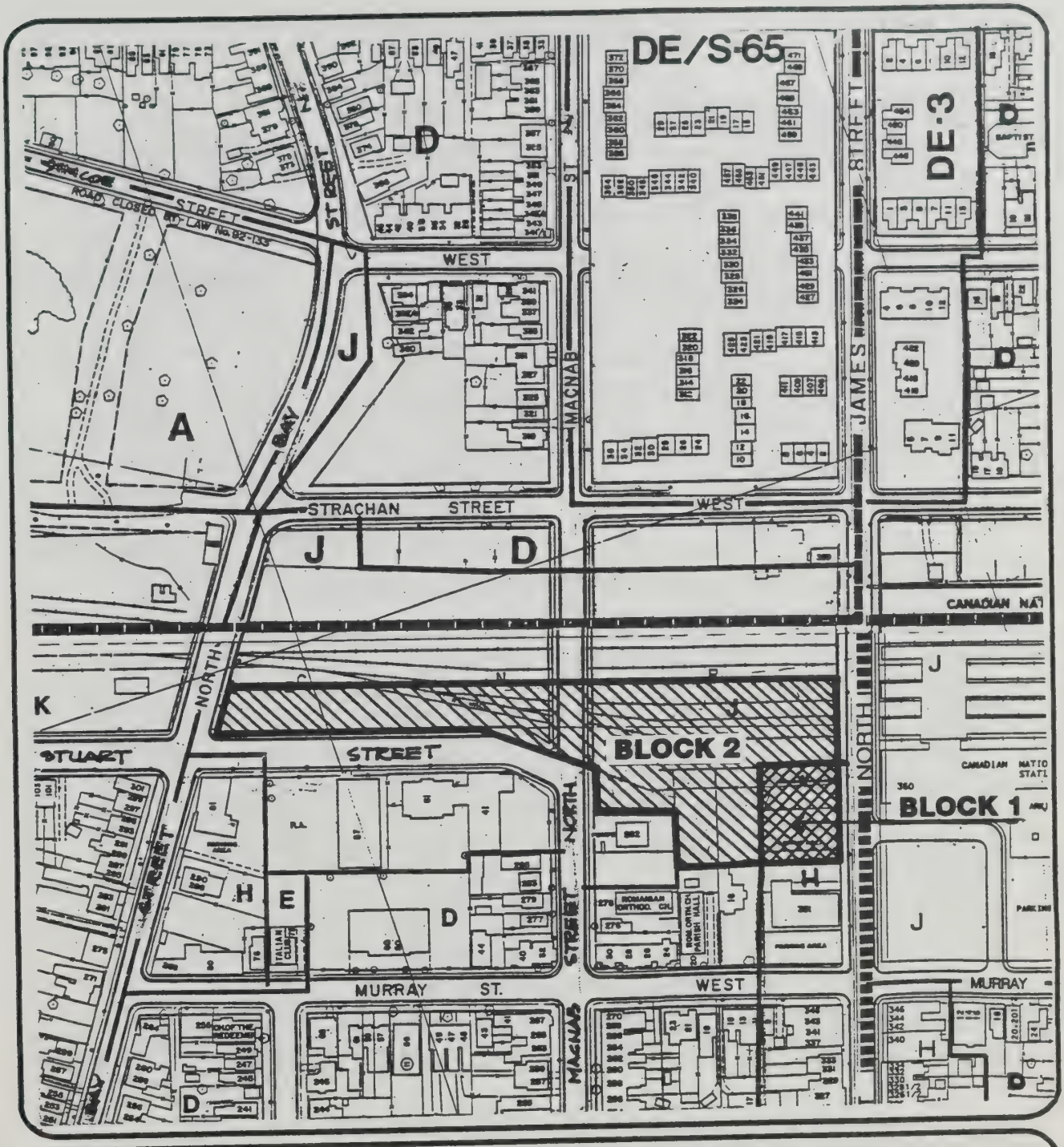
6. The Land Development Section, Community Planning and Development Division advised that based on the Hamilton-Wentworth Official Plan a portion of the subject lands are designated and/or are adjacent to the proposed "Perimeter Road".

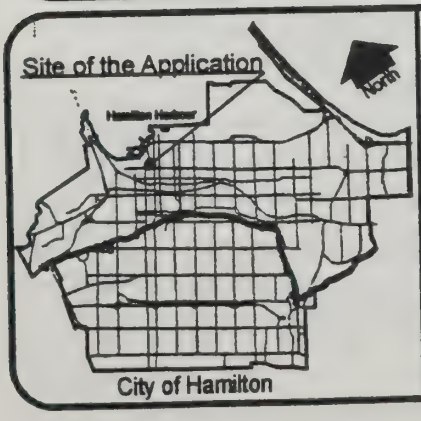
   The Transportation, Operations & Environment Division have advised that the lands to be rezoned may be required for the construction of the Hamilton Perimeter Road. However, the Environmental Assessment Studies for the Perimeter Road have not been completed. Therefore, the alignment detail has not been established. The Region is therefore not in a position to make an offer of purchase for these lands or in a position to determine whether or not the lands will be required for the Perimeter Road. It is noted that the use of the subject lands would not preclude the future construction of the Perimeter Road, depending upon the final roadway alignment.

CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-10.doc
SR/sr





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Change in Zoning from:

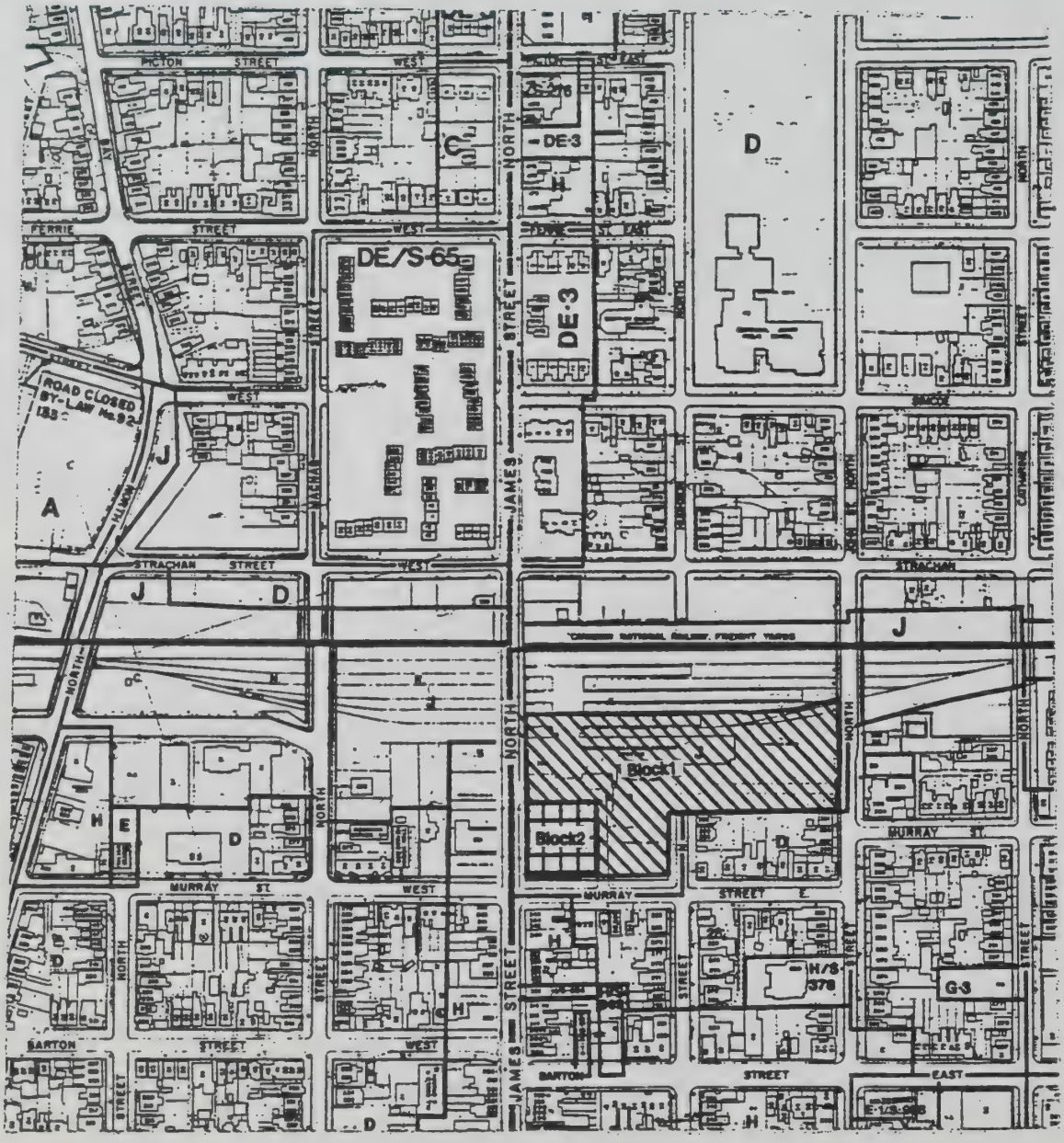
BLOCK 1

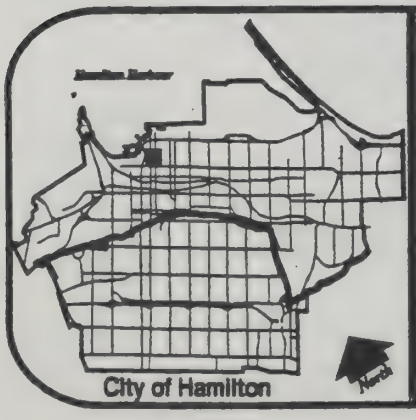
"H" (Community Shopping and Commercial, etc.) District to "G-3"-'H' (Public Parking Lots-Holding) District

BLOCK 2

"J" (Light and Limited Heavy Industry, etc.) District to "G-3"-'H'(Public Parking Lots-Holding) District

Reference file:	**ZAC-99-10**
Scale	**Not to Scale**
Date	**May, 1999**
Technician:	**B. B.**
	APPENDIX 'A'





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Block1 — Change In Zoning : From: "J" (Light and Limited Heavy Industrial) District to "H" - "H" (Commercial - Holding) District

Block2 — From: "J" (Light and Limited Heavy Industrial) District to "A" (Conservation, Open Space, Park and Recreation) District

Reference file:	ZAC-99-09
Scale	Not to Scale
Date	MAY,1999
Technician:	FAB
	APPENDIX B

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 May 21
ZAR-99-13
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: LeeAnn Coveyduck
General Manager, Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at the rear of 1487 Upper Sherman Avenue

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAR-99-13, Samuel Guerriero, owner, for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District (Block "1") and for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified, (Block "2") to permit the use of the subject lands for four (4) single detached dwellings, for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, south of Dalia Avenue and located at the rear of 1487 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the "C" (Urban Protected Residential, etc.) District regulations, contained in Section 9. of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:

(i) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, for an interior lot, every lot shall have a width of at least 11.6 metres and an area of at least 350.0 square metres within the district; and,

(ii) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, for a corner lot, every lot shall have a width of at least 11.6 metres and an area of at least 335.0 square metres within the district;

(iii) That the Director of Legal Services be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "1") and for change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified (Block "2") for lands located at the rear of 1487 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands for 4 single family building lots in conjunction with the abutting lands. In addition, the By-law provides for the following variances:

(i) For an interior lot, a minimum lot width of 11.6 metres and a minimum lot area of 350.0 square metres shall be provided and maintained whereas the provisions of the Zoning By-law require a minimum lot width of 12.0 metres and a minimum lot area of 360.0 square metres; and;

(ii) For a corner lot, a minimum lot width of 11.6 metres and a minimum lot area of 335.0 square metres shall be provided and maintained whereas the provisions of the Zoning By-law require a minimum lot width of 12.0 metres and a minimum lot area of 360.0 square metres.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "1") and for change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "2") for lands located at the rear of 1487 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A". The lands are to be developed with the abutting lands located within "Eagleview Estates, Phase 1" Registered Plan of Subdivision for 4 single family dwellings (see APPENDIX "B").

Severance Applications B-99:31 and B-99:32

Severance Applications B-99:31 and B-99:32 were approved on May 19, 1999. The combined effect of the applications was to create four building lots fronting on Dalia Avenue for single-family dwellings (see APPENDIX "C"). The applications were as follows:

- Application B-99:31 was to convey a parcel of land (Part 3) having a frontage on Dalia Avenue of 11.66m (38.24') and an area of 266.5m^2 (2868.58 $ft.^2$) to be added to the adjoining lands to the south (Part 7) for residential purposes. The lands to be retained include two parcels. Part 2, having a frontage on Dalia Avenue of 6.66m (21.84') and an area of approximately 254m^2 (2734.03 $ft.^2$) to be added to the adjoining lands to the south (Part 6) for residential purposes and Parts 4 and 5, having a frontage on Dalia Avenue of 23.32m (76.49') and an area of approximately 533.0m^2 (5737.16) to be further subdivided for residential purposes.
- Application B-99:32 was to convey a parcel of land (Part 5) having a frontage on Dalia Avenue of 11.66m (38.24') and an area of 266.5 m^2 (2868.58 $ft.^2$) to be added to the adjoining lands to the south (Part 9) for residential purposes and to retain the balance of the holding (Part 4) having a frontage on Dalia Avenue of 11.66m (38.24') and an area of 266.5m^2 (2868.58 $ft.^2$) to be added to the adjoining lands to the south (Part 8) for residential purposes.

The applications were approved conditional upon, amongst other conditions, the applicant applying for and receiving final approval for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "1") and for change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "2") for a reduced lot width and lot area.

Zoning Application 95-13 and Subdivision Application 95-03 (Regional File 25T-95014(R))

In June, 1996, City Council approved Zoning Application 95-13 and Subdivision Application 95-03 for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dalia Street (formerly Dulgaren Street). The changes in zoning were to permit the development of the subject lands in accordance with the proposed "Eaglewood Estates" plan of subdivision for 7 lots for small lot single family dwellings ("R-4" District) and 18 lots for single family dwellings ("C" District). A condition of draft plan approval was that Block 19 must be developed in conjunction with the abutting lands. In this regard, the applicant has acquired Block 19 and is proposing to develop Block 19 with the lands known as 1487 Upper Sherman Avenue into 4 lots for single detached dwellings.

APPLICANT:

Samuel Guerriero, owner.

AGENT:

A. Fletcher, A.J., Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands are rectangular in shape and have:

- 46.64 m of lot frontage along Dalia Avenue;
- 30.16 m of lot frontage along Upper Sherman Aveune; and
- a lot area of 1,406 m^2.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Single Detached Dwelling	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
Surrounding Land Use		
To the north	Single Detached Dwellings	"R-4" (Small Lot Single Family) District
To the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Eleanor Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "We recommend that the future vehicular access to the lot at the southeast corner of Upper Sherman Avenue and Dalia Avenue be located on the easterly side of the frontage on Dalia Avenue and that no vehicular access be permitted to Upper Sherman Avenue. This restriction should be registered on title upon the approval of the current severance application. "

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.

- The Building Department and the Regional Environment Department have verbally advised that they have no objection to the proposed change in zoning.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Eleanor Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the Eleanor Neighbourhood Plan;

   ii) it is consistent with planned development in accordance with the "Eagleview Estates" subdivision; and,

   iii) it would be compatible with the abutting and planned residential uses.

3. The applicant has requested a variance to the provisions of the Zoning By-law to permit a reduced lot area and lot width (335 m^2 for a corner lot and 350 m^2 for an interior lot whereas the Zoning By-law requires 360 m^2 and a lot width of 11.6 m whereas the Zoning By-law requires 12.0 m). The lands to the north of the subject lands are zoned "R-4" District which permits an average lot width of 10.0m and lot area of 300 m^2. In this regard, the proposed reduced lot widths and lot areas would be compatible with the existing and planned development and as such the variances can be supported.

4. The proposed change in zoning implements the conditions of Severance Applications B-99:31 and B-99:32 and draft plan approval for "Eagleview Estates". The conditions of the severance application require the applicant to apply for and receive final approval for a modification in zoning to the established "C" (Urban Protected Residential, etc.) District and a change in zoning for the lands to be conveyed from the existing "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. Under the conditions of draft plan approval for "Eagleview Estates", Block 19 is to be developed in conjunction with the abutting lands that front onto Dalia Avenue.

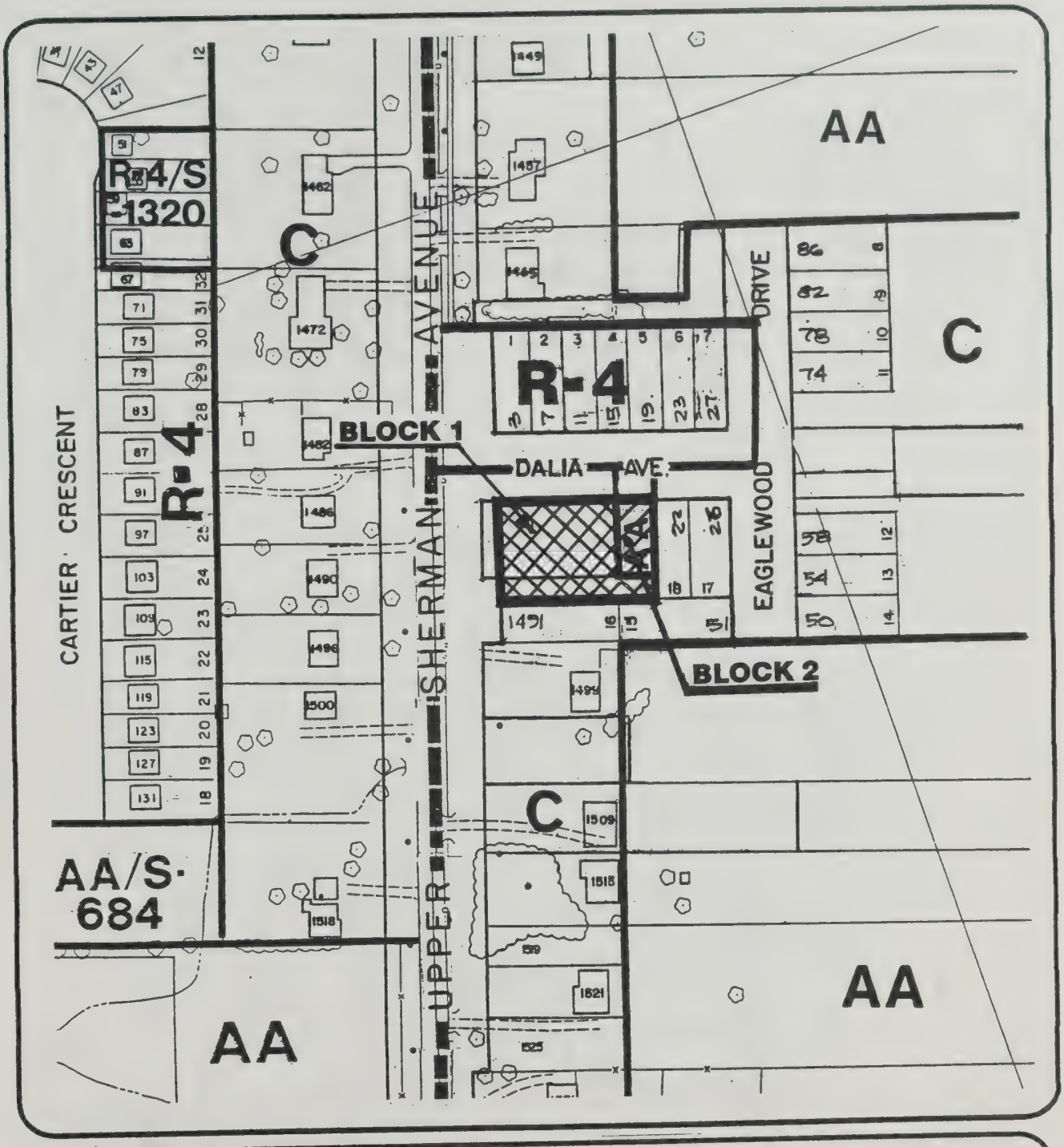
5. There is an existing dwelling on the subject lands. As part of the conditions of severance approval, the applicant will be required to demolish the house to the satisfaction of the Building Commissioner, Community Planning and Development Division. In addition, a restriction will be registered on title to restrict vehicular access to the lot at the southeast corner of Upper Sherman Avenue and Dalia Avenue in accordance with the requirements of the Traffic Division.

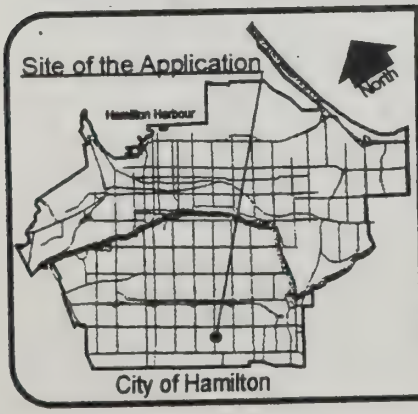
CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-13.doc

SR/sr





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

BLOCK 1

Modification to the "C" (Urban Protected Residential, etc.) District

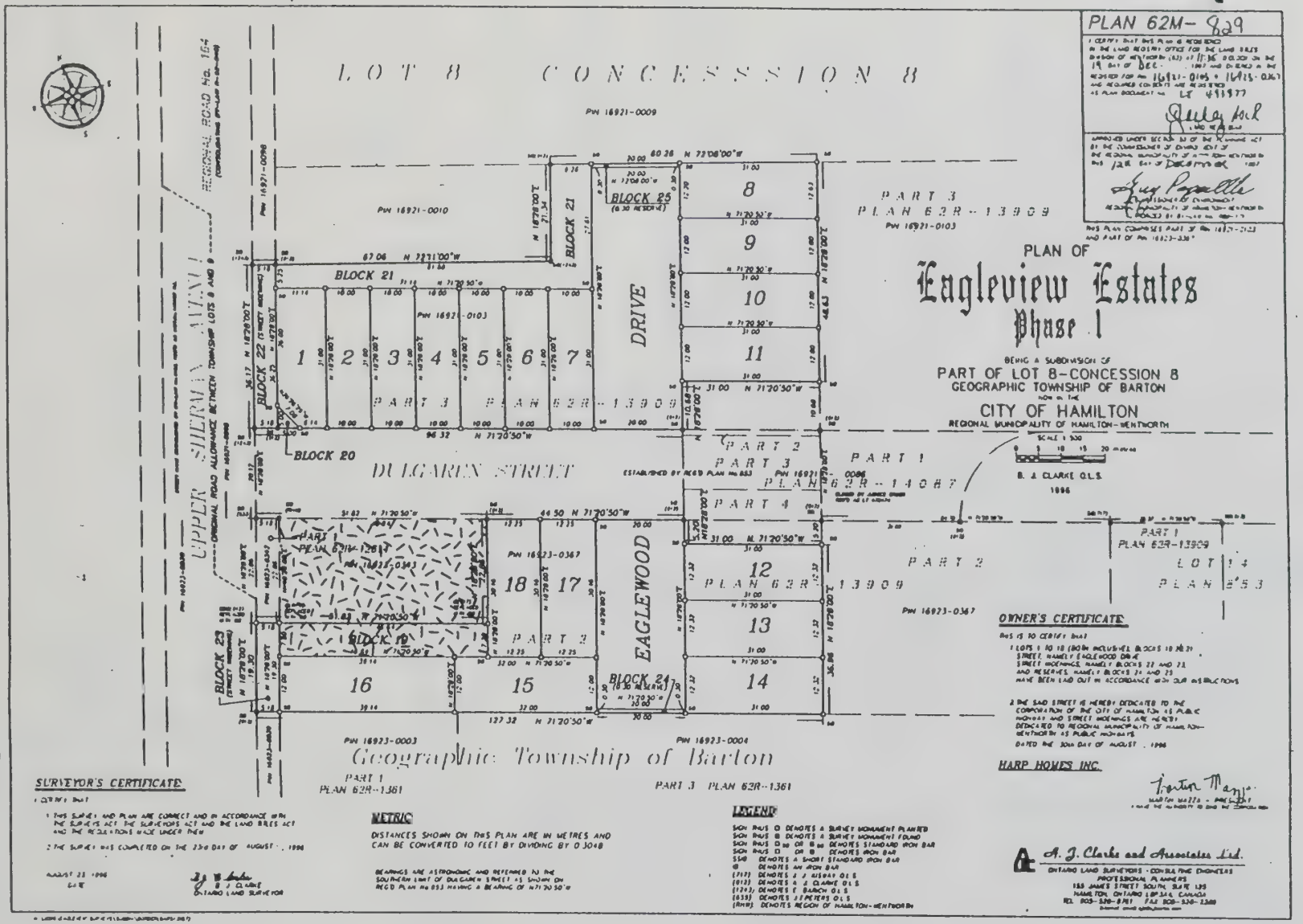
BLOCK 2 Change in Zoning from:

"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, Modified

Reference file:	**ZAR-99-13**
Scale	**Not to Scale**
Date	**April, 1999**
Technician:	**B. B.**
	APPENDIX 'A'

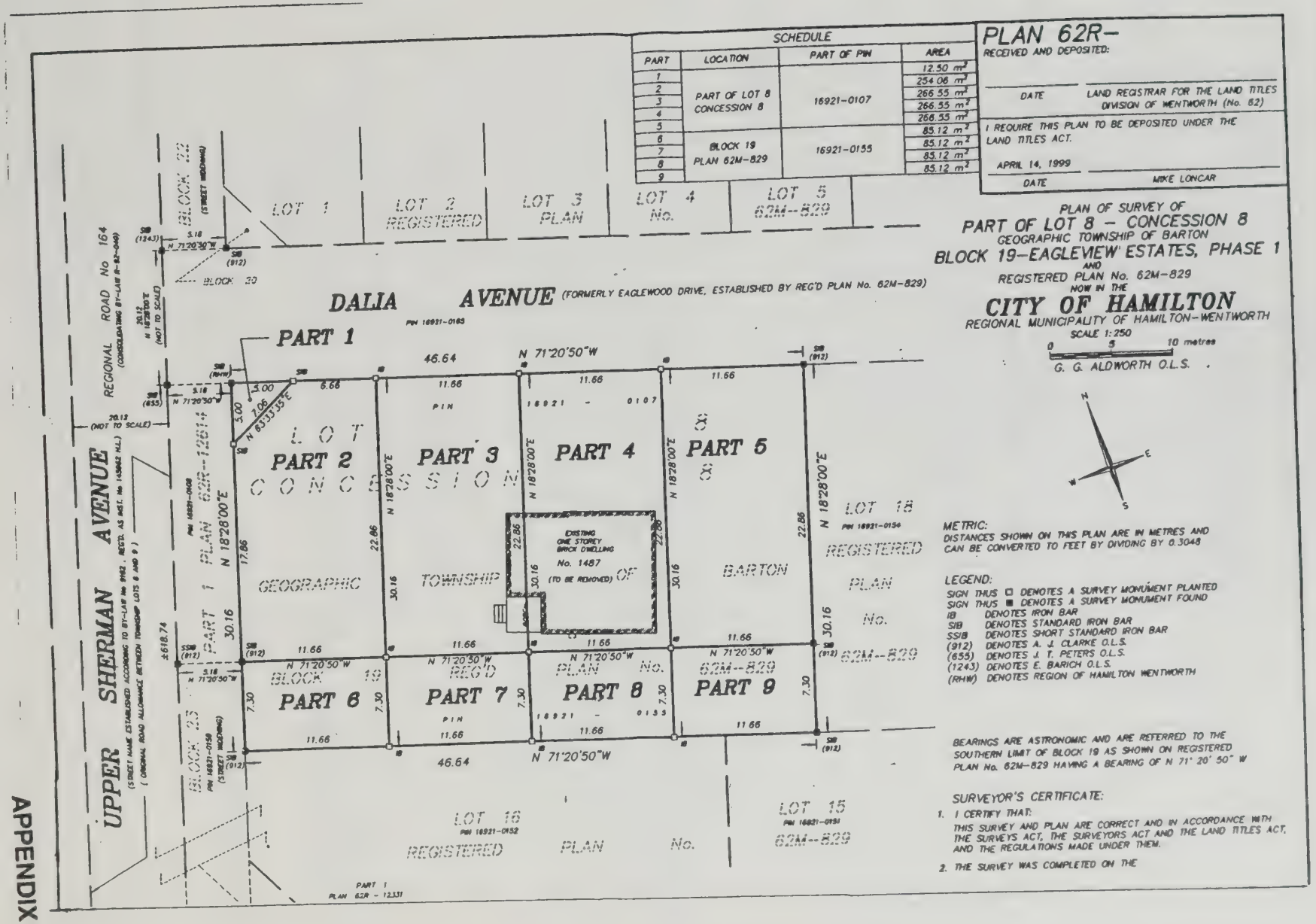
EAGLEWOOD DRIVE

M-829



Subject Lands

APPENDIX "B"


SCHEDULE
PART | LOCATION | PART OF PIN | AREA
1 | PART OF LOT 8 CONCESSION 8 | 16921-0107 | 12.50 m²
2 | | | 254.06 m²
3 | | | 266.55 m²
4 | | | 266.55 m²
5 | | | 266.55 m²
6 | BLOCK 19 PLAN 62M-829 | 16921-0155 | 85.12 m²
7 | | | 85.12 m²
8 | | | 85.12 m²
9 | | | 85.12 m²
PLAN 62R-
RECEIVED AND DEPOSITED:
DATE
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
APRIL 14, 1999
DATE
MIKE LONCAR
PLAN OF SURVEY OF
PART OF LOT 8 - CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
BLOCK 19-EAGLEVIEW ESTATES, PHASE 1
AND
REGISTERED PLAN No. 62M-829
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:250
0 5 10 metres
G. G. ALDWORTH O.L.S.
DALIA AVENUE (FORMERLY EAGLEWOOD DRIVE, ESTABLISHED BY REG'D PLAN No. 62M-829)
UPPER SHERMAN AVENUE
REGIONAL ROAD No 164
BLOCK 22
BLOCK 23
BLOCK 20
LOT 1
LOT 2 REGISTERED PLAN No. 62M-829
LOT 3
LOT 4
LOT 5
LOT 15
LOT 16
LOT 18
PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
PART 9
LOT 8 CONCESSION
GEOGRAPHIC TOWNSHIP OF BARTON
BLOCK 19 REG'D PLAN No. 62M-829
EXISTING ONE STOREY BRICK DWELLING No. 1487 (TO BE REMOVED)
PART 1 PLAN 62R-12614
PART 1 PLAN 62R-12331
46.64
N 71°20'50"W
N 18°28'00"E
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
LEGEND:
SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED
SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND
IB DENOTES IRON BAR
SIB DENOTES STANDARD IRON BAR
SSIB DENOTES SHORT STANDARD IRON BAR
(912) DENOTES A. J. CLARKE O.L.S.
(655) DENOTES J. T. PETERS O.L.S.
(1243) DENOTES E. BARICH O.L.S.
(RHW) DENOTES REGION OF HAMILTON WENTWORTH
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERN LIMIT OF BLOCK 19 AS SHOWN ON REGISTERED PLAN No. 62M-829 HAVING A BEARING OF N 71° 20' 50" W
SURVEYOR'S CERTIFICATE:
1. I CERTIFY THAT:
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT, AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE

APPENDIX "C"

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 May 21
ZAC-99-12
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at the rear of 1509 Upper Sherman Avenue

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-99-12, Harp Homes Building Corporation (M. Mazza), prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, south of Dalia Avenue and located at the rear of 1509 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 1509 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands for single family dwellings in conjunction with the abutting lands to the north to be developed as part of the "Eaglewood Estates, Phase 3" plan of subdivision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject lands for 1 lot for a single family dwelling, 1 block to be developed in conjunction with the abutting lands to the north for a single family dwelling and for the extension of Eaglewood Drive in conjunction with the "Eagleview Estates, Phase 3" plan of subdivision (see APPENDIX "B").

"Eagleview Estates, Phase 3"

City Council, at its meeting of February 9, 1999, approved Subdivision Application 98-06 ("Eagleview Estates, Phase 3") for lands located at the rear of 1501 Upper Sherman Avenue, for 8 lots for single detached dwellings, 5 blocks to be developed in conjunction with the abutting lands and for the extension of Eaglewood Drive and Dulgaren Street and to establish a new street as per the approved Eleanor Neighbourhood Plan. The subdivision received draft plan approval on May 13, 1999.

APPLICANT:

Harp Homes Building Corporation (Attn: Martin Mazza).

AGENT:

A. Fletcher, A.J., Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape and have:

- 21.3 m of lot width;
- 41.90 m of lot depth; and
- a lot area of 885 m^2.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant (planned single detached dwellings)	"C" (Urban Protected Residential, etc.) District (subject to finalization of By-law No. 99-059)
to the south	Vacant (planned single detached dwellings)	"AA" (Agricultural) District
to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Vacant and Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Eleanor Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the above application and find it satisfactory."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.

- The Building Department and the Regional Environment Department have verbally advised that they have no objection to the proposed change in zoning.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Eleanor Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

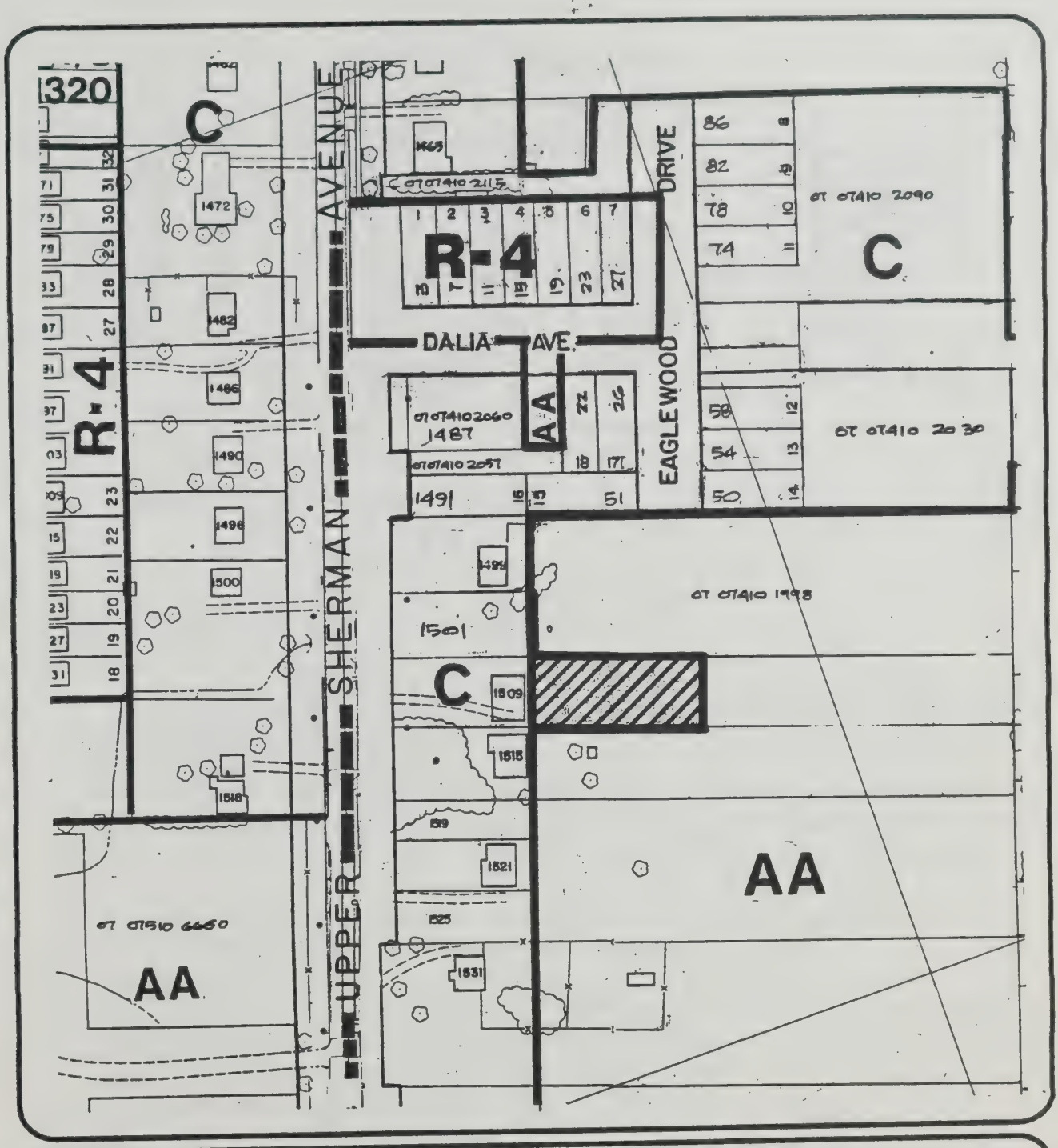
   i) it implements the intent of the Official Plan and the Eleanor Neighbourhood Plan;
   ii) it is consistent with planned development in accordance with the "Eagleview Estates, Phase 3" subdivision; and,
   iii) it would be compatible with the abutting and planned residential uses.

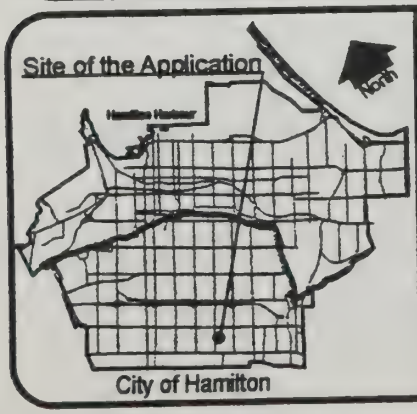
3. The proposed change in zoning implements the conditions of draft plan approval for "Eagleview Estates". As part of the conditions of draft plan approval Block 9 is to be developed in conjunction with the abutting lands to create a building lot for a single detached dwelling (see attached APPENDIX "B"). In addition, the applicants are required to acquire sufficient lands to establish the extension of Eaglewood Drive and the future east-west street (Street "A") to a width of 20.0 metres in accordance with City engineering standards.

CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-12.doc
SR/sr





PLANNING AND DEVELOPMENT DEPARTMENT

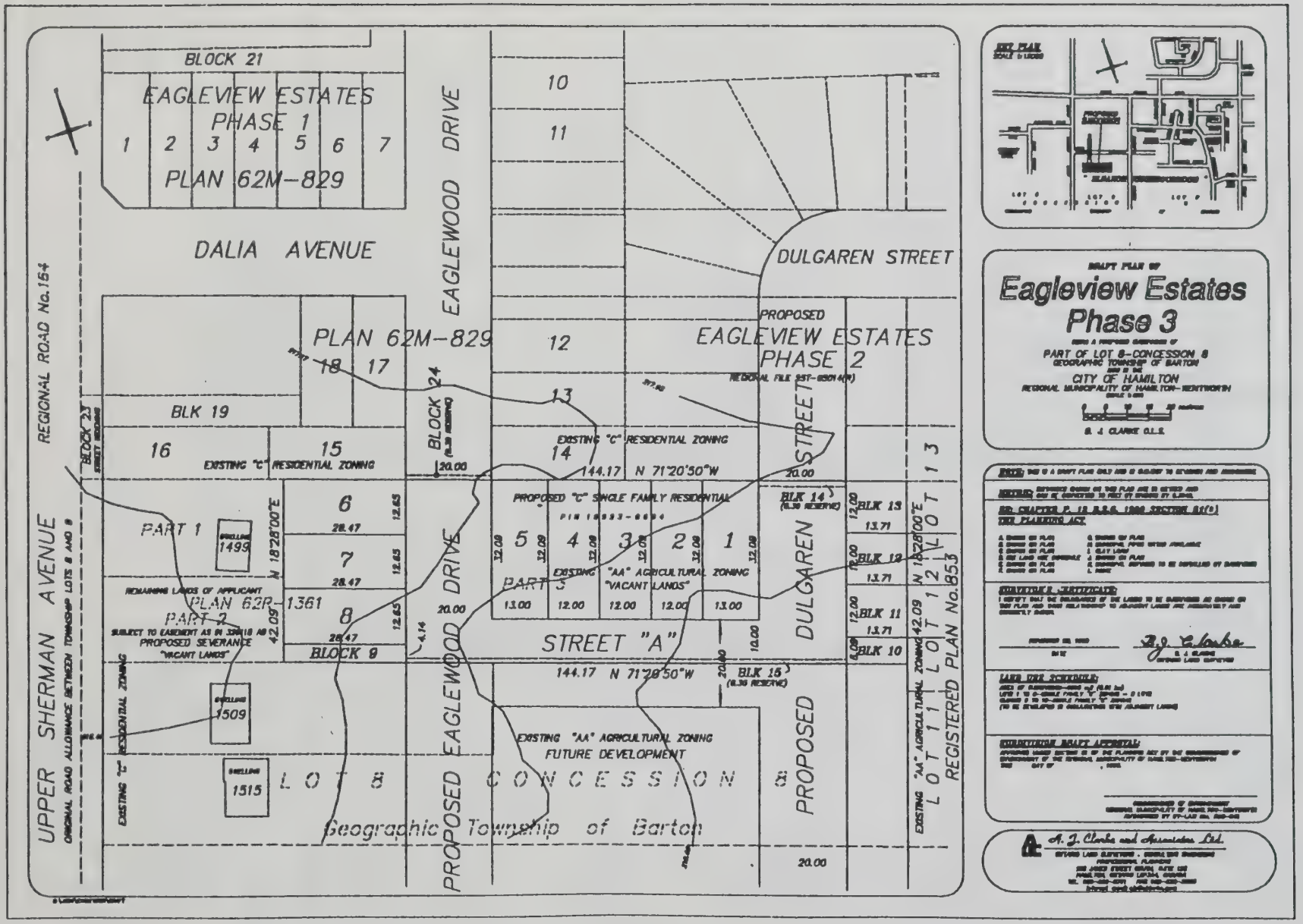
Location Map

Legend

Subject Lands

Reference file:	ZAC-99-12
Scale	Not to Scale
Date	April,1999
Technician:	B. B.

APPENDIX 'A'


BLOCK 21
EAGLEVIEW ESTATES
PHASE 1
1 2 3 4 5 6 7
PLAN 62M-829
DALIA AVENUE
EAGLEWOOD DRIVE
DULGAREN STREET
PROPOSED
EAGLEVIEW ESTATES
PHASE 2
REGIONAL ROAD No.164
UPPER SHERMAN AVENUE
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9
PLAN 62M-829
BLK 19
16
15
EXISTING "C" RESIDENTIAL ZONING
BLOCK 23
BLOCK 24
PROPOSED "C" SINGLE FAMILY RESIDENTIAL
EXISTING "AA" AGRICULTURAL ZONING
"VACANT LANDS"
PART 1
PART 2
PART 3
DWELLING 1499
DWELLING 1509
DWELLING 1515
REMAINING LANDS OF APPLICANT
PROPOSED SEVERANCE
"VACANT LANDS"
PLAN 62R-1361
BLOCK 9
STREET "A"
BLK 14
BLK 15
BLK 13
BLK 12
BLK 11
BLK 10
144.17 N 71°20'50"W
N 18°28'00"E
42.09
EXISTING "AA" AGRICULTURAL ZONING
FUTURE DEVELOPMENT
LOT 8 CONCESSION B
Geographic Township of Barton
PROPOSED EAGLEWOOD DRIVE
PROPOSED DULGAREN STREET
EXISTING "AA" AGRICULTURAL ZONING
LOT 11 LOT 12 LOT 13
REGISTERED PLAN No.853
KEY PLAN
DRAFT PLAN OF
Eagleview Estates
Phase 3
PART OF LOT 8-CONCESSION B
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
A. J. Clarke and Associates Ltd.

APPENDIX "B"

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 May 21
ZAR-99-15
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at the rear of 102 Eleanor Avenue

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAR-99-15, F. Mastrioanni and A. Mastrioanni, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located west of Eleanor Avenue and south of Dulgaren Street and located at the rear of 102 Eleanor Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 102 Eleanor Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands for single family dwellings in conjunction with the abutting lands to the north to be developed as part of the "Eaglewood Estates, Phase 2" and "Eaglewood Estates, Phase 3" draft approved plans of subdivision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject lands for 1 lot for a single family dwelling, 1 block to be developed in conjunction with the abutting lands to the north for a single family dwelling and for the extension of Eaglewood Drive in conjunction with the "Eagleview Estates, Phase 2" and "Eagleview Estates, Phase 3" draft approved plans of subdivision (see APPENDIX "B").

"Eagleview Estates"

There are two rezoning applications (ZA-95-13 and ZA-98-42) and two subdivision applications (SA-95-03 and SA-98-06) associated with the "Eagleview Estates".

Zoning Application 95-13 and Subdivision Application 95-03 (Regional File 25T-95014(R))

In June, 1996, City Council approved Zoning Application 95-13 and Subdivision Application 95-03 for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dalia Street (formerly Dulgaren Street). The changes in zoning were to permit the development of the subject lands in accordance with the proposed "Eaglewood Estates" plan of subdivision for 7 lots for small lot single family dwellings ("R-4" District) and 18 lots for single family dwellings ("C" District). A condition of draft plan approval was that Block 38 must be developed in conjunction with the abutting lands. In this regard, the lands to be rezoned will be severed from 102 Eleanor Ave. and merged with Block 38 to create a building lot fronting onto the future extension of Dulgaren Street.

Zoning Application 98-42 and Subdivision Application 98-06 (Regional File 25T-98014(R))

City Council, at its meeting of February 9, 1999, approved Subdivision Application 98-06 ("Eagleview Estates, Phase 3") for lands located at the rear of 1501 Upper Sherman Avenue, for 8 lots for single detached dwellings, 5 blocks to be developed in conjunction with the abutting lands and for the extension of Eaglewood Drive and Dulgaren Street and to establish a new street as per the approved Eleanor Neighbourhood Plan. The subdivision received draft plan approval on May 13, 1999.). As a condition of draft plan approval, Blocks 12 and 13 must be developed in conjunction with the abutting lands. In this regard, the lands to be rezoned will be severed from 102 Eleanor Ave. and merged with Blocks 12 and 13 to create a building lot fronting onto the future extension of Dulgaren Street.

APPLICANT:

F. Mastrioanni and A. Mastrioanni.

AGENT:

A. Fletcher, A.J., Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape and have:

- 30.4 m of lot width;
- 16.7 m of lot depth; and
- a lot area of 511 m^2.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant (planned single detached dwellings)	"C" (Urban Protected Residential, etc.) District

to the south	Vacant (planned single detached dwellings)	"AA" (Agricultural) District
to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Vacant and Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Eleanor Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the above application and find it satisfactory."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.

- The Building Department and the Regional Environment Department have verbally advised that they have no objection to the proposed change in zoning.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Eleanor Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the Eleanor Neighbourhood

Plan;

ii) it is consistent with planned development in accordance with the "Eagleview Estates, Phase 2" and "Eaglewood Estates, Phase 3" draft approved plans of subdivision; and,

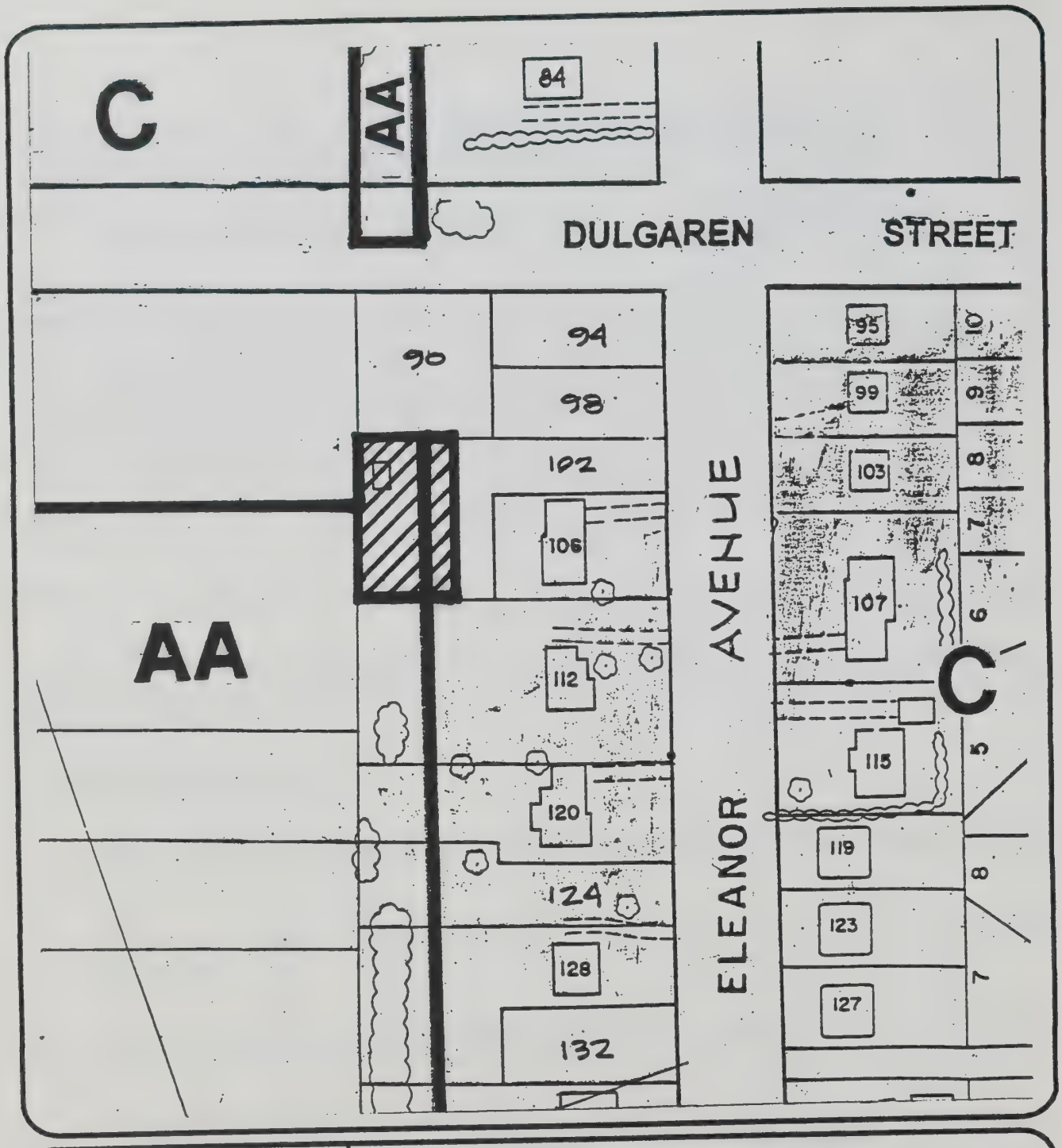
iii) it would be compatible with the abutting and planned residential uses.

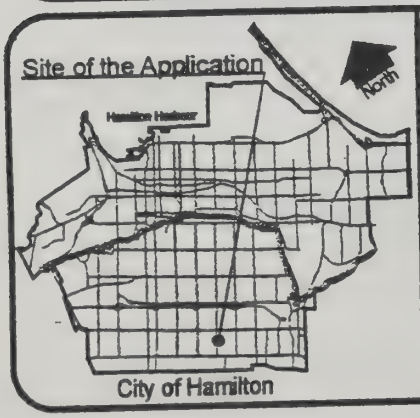
3. The proposed change in zoning implements the conditions of draft plan approval for the "Eagleview Estates" subdivisions. The conditions of draft plan approval for "Eaglewood Estates, Phase 2" and "Eaglewood Estates, Phase 3" are that Block 38 (Phase 2) and Blocks 12 and 13 (Phase 3) must be developed in conjunction with the abutting lands. In this regard, the lands to be rezoned will be severed from 102 Eleanor Ave. and merged with Blocks 38, 12 and 13 to create lots for single detached dwellings fronting onto the future extension of Dulgaren Street.

CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-15.doc
SR/sr





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

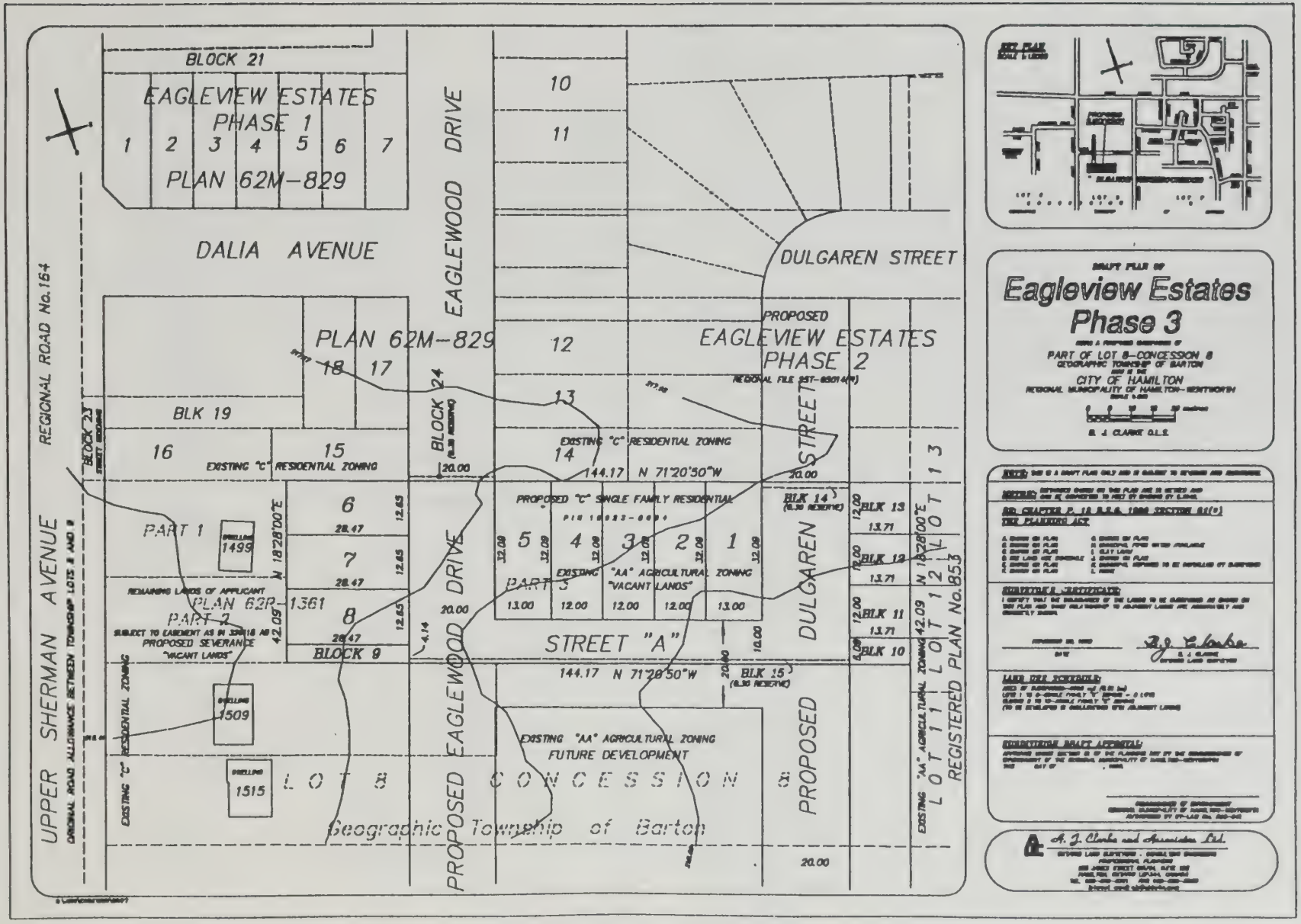
Legend

Change in Zoning from:

"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

Reference file:	**ZAR-99-15**
Scale	**Not to Scale**
Date	**May, 1999**
Technician:	**B. B.**

APPENDIX 'A'


BLOCK 21
EAGLEVIEW ESTATES
PHASE 1
1 2 3 4 5 6 7
PLAN 62M-829
DALIA AVENUE
EAGLEWOOD DRIVE
DULGAREN STREET
REGIONAL ROAD No.164
UPPER SHERMAN AVENUE
PROPOSED
EAGLEVIEW ESTATES
PHASE 2
REGIONAL FILE 25T-
PLAN 62M-829
BLK 19
EXISTING "C" RESIDENTIAL ZONING
PROPOSED "C" SINGLE FAMILY RESIDENTIAL
EXISTING "AA" AGRICULTURAL ZONING
"VACANT LANDS"
PART 1
PART 2
PART 3
PLAN 62R-1361
REMAINING LANDS OF APPLICANT
PROPOSED SEVERANCE
"VACANT LANDS"
BLOCK 9
STREET "A"
144.17 N 71°20'50"W
BLK 10
BLK 11
BLK 12
BLK 13
BLK 14
BLK 15
DWELLING 1499
DWELLING 1509
DWELLING 1515
EXISTING "AA" AGRICULTURAL ZONING
FUTURE DEVELOPMENT
LOT 8 CONCESSION
Geographic Township of Barton
PROPOSED EAGLEWOOD DRIVE
LOT 11 LOT 12 LOT 13
REGISTERED PLAN No.853
Eagleview Estates
Phase 3
PART OF LOT 8—CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
A. J. Clarke and Associates Ltd.

APPENDIX "B"

CITY OF HAMILTON

7.

- RECOMMENDATION -

DATE: 1999 June 2
ZAR-99-11
Sheldon Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for rezoning – 199 Stone Church Road West

RECOMMENDATION:

That approval be given to Zoning Application ZAR-99-11, by Alexander Furmanov owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of a single family dwelling, for lands located at 199 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the General Manager, Community Planning and Development Division be authorized and directed to prepare a By-law, in a form satisfactory to the Corporate Counsel, to amend Zoning By-law No. 6593, and Zoning District Map W-9C for presentation to City Council; and,

(i) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning for lands located at 199 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the by-law is to permit the development of the subject lands for a single family dwelling.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

BACKGROUND:

Proposal

The applicant is proposing to maintain the existing single family dwelling at 199 Stone Church Road West (Part 1), and to sever the western portion (Part 2) to develop for a new single family dwelling (see attached APPENDIX "B"). Part 3 is proposed to be merged with lands to the east in accordance with the conditions of approval of the Sheldon Estates Phase 1 subdivision (see attached APPENDIX "C"). Both the existing and proposed dwellings will conform to the "C" (Urban Protected Residential, etc.) District provisions. A severance application is being filed at the time of writing to facilitate the creation of a new lot.

APPLICANT:

Alexander Furmanov, owner.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 26.4 m on Stone Church Road West;
- A depth of 70.1 m; and,
- A lot area of approximately 1,851.02 m^2.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Single Family Dwelling	"AA" (Agricultural) District
Surrounding Lands		
To the north	Single Family Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

To the east and South	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District
To the west	Single Family Dwelling	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" – Land Use Concept of the Official Plan. The following policies, amongst others apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

(v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and area, building height, coverage, mass, setbacks, privacy and overview;"

Based on the foregoing, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double" Residential in the approved Sheldon Neighbourhood Plan. The proposal complies to the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and the Public Works and Traffic Department have no comment or objection.

- The Community Planning and Development Division (Building) advises:

  "1. Parts 1 and 2 conform to minimum lot width and area of the proposed "C" District.

  2. Upon severance, Part 3 does not conform to the minimum lot area and will not have frontage on a street.

  3. No application made for severance as of today.

  4. Demolition permit is required in the normal manner."

- The Community Planning and Development Division (Development Engineering) advises:

  "1. There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  2. The designated road allowance width of Stone Church Road is 30.48m. In accordance with this designation we will require that as a condition of severance/development approval that sufficient lands be dedicated to the Region of road widening purposes to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance. According to our records, this road widening is approximately 5.18m in width and is required from lands to be severed.

  3. It appears from the approved Sheldon Neighbourhood Plan that a rear portion of the subject lands may be required for a part of the internal north-south street. Our comments at this time only pertain to the rezoning of the lands and as a condition of severance we will require that the applicant/owner enter into appropriate agreements with the City and the Region. This is required to ensure that the internal streets are transferred to the City and that appropriate servicing costs are recovered.

It may be appropriate to place these lands into a Holding category until such time as the internal lotting and street locations have been determined and the Agreements, if required have been finalized to the satisfaction of the City/Region.

4. We have reviewed this application on the basis that the existing access will be retained to Part 2 to ensure adequate motorists sight lines looking east on Stone Church Road. We also note that the Stone Church Road road grade will be changed in this area to improve the vertical alignment. The lands to be severed and retained fronting on Stone Church Road are within the transition of a cut and fill section and therefore the future road grade adjacent to this frontage is minimal.

5. Any other works within the Stone Church road allowance must conform to the Region of Hamilton-Wentworth Roads use By-law."

COMMENTS:

1. The proposal complies with the Official Plan and the approved Sheldon Neighbourhood Plan.

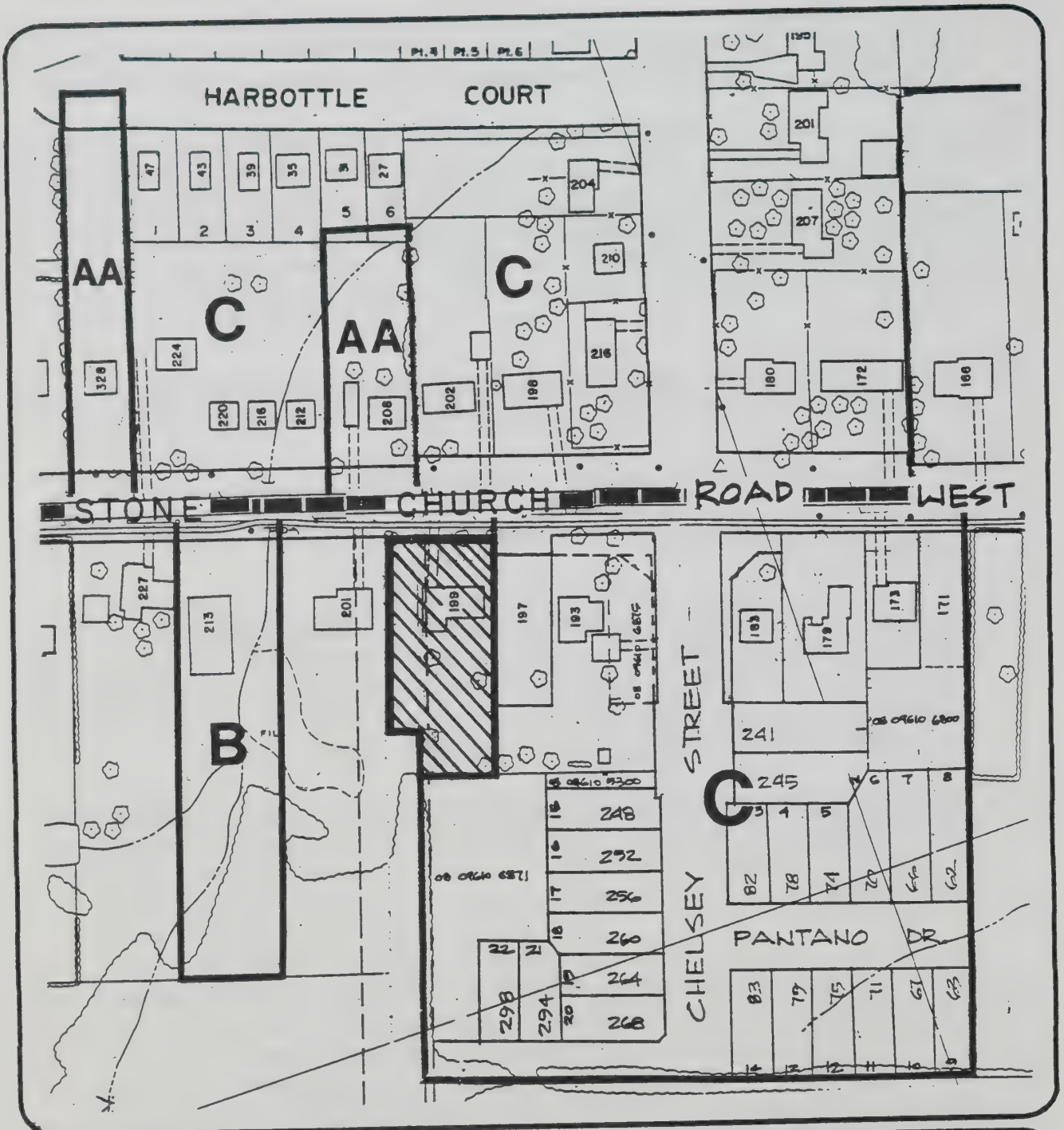
2. The proposed rezoning for the existing and proposed single family dwellings from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District has merit and can be supported as it will complement and not conflict with the existing and proposed single family development to the north, east and south. In this regard, it is an appropriate infill development.

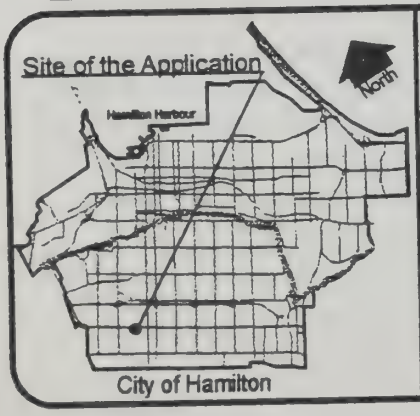
2. The Building Section advises that Part 3 (see APPENDIX "B" attached) does not have frontage on a street. It is noted that the severance under consideration will propose that this part be merged in title with lands to the east which have frontage on Chesley Street.

4. Development Engineering advises that the rear portion of the subject lands may be required for part of the proposed internal north-south road. On this basis, it is suggested that a holding provision may be appropriate until such time as the internal lotting and the street pattern have been determined, and any Agreements, if required, have been finalized. Upon review of the original draft plan of subdivision (see APPENDIX "D" attached), it appears that the subject lands do not directly abut the proposed internal road. The proposed lotting pattern in the draft plan and the specific alignment of the internal road will be determined as part of the approval of the second phase of Sheldon Estates subdivision. On this basis, it is not necessary to place these lands in a holding category.

CONCLUSION:

Based on the foregoing, the application can be supported.





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

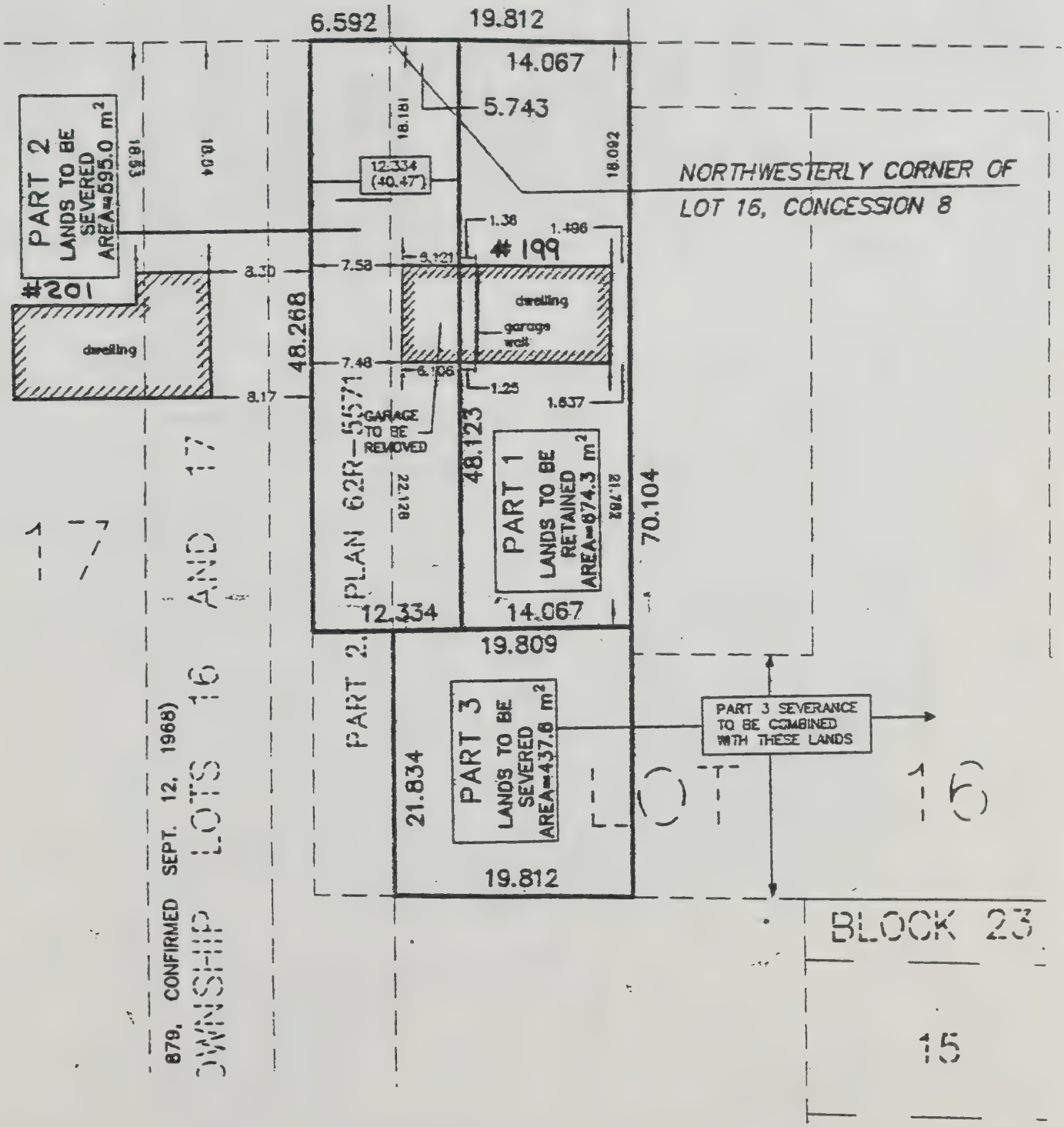
Reference file: **ZAR-99-11**

Scale: **Not to Scale**

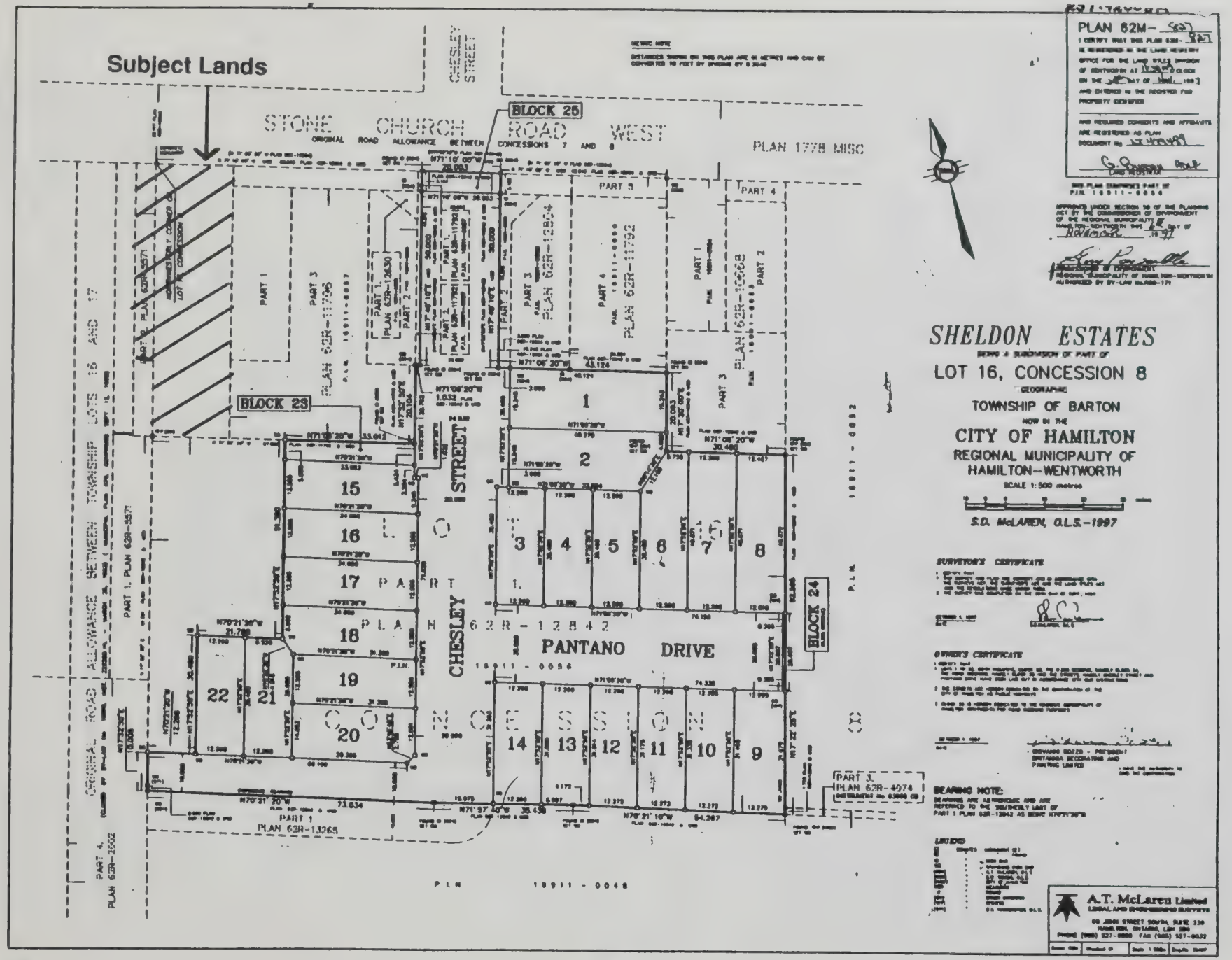
Date: **March,1999**

Technician: **B. B.**

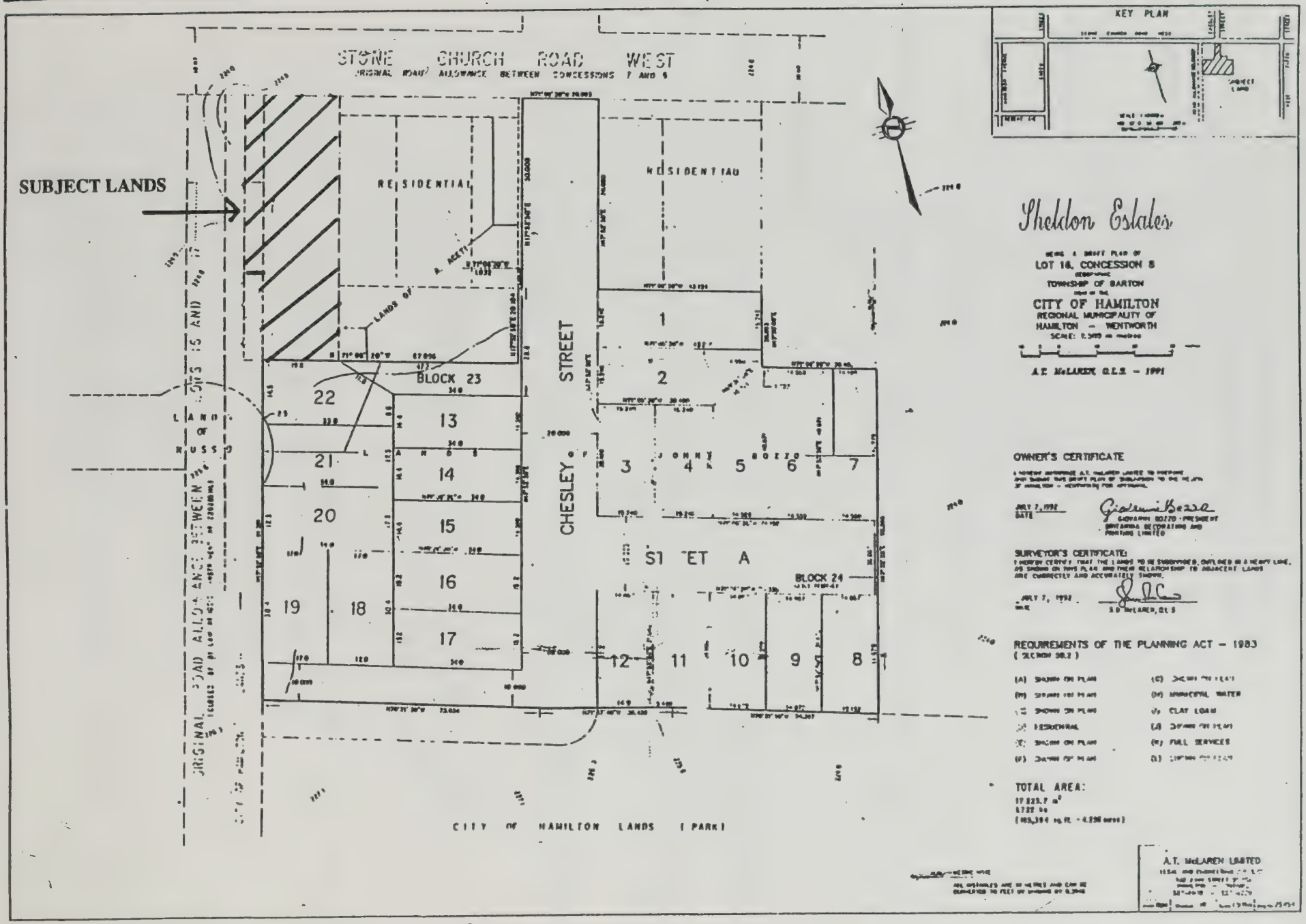
APPENDIX 'A'


Stone Church Road West
6.592
19.812
14.067
5.743
PART 2
LANDS TO BE SEVERED
AREA=595.0 m²
#201
18.181
18.04
18.092
12.334
(40.47)
NORTHWESTERLY CORNER OF
LOT 16, CONCESSION 8
1.38
1.496
#199
8.121
7.58
8.30
dwelling
garage
wall
48.268
7.48
8.106
1.28
1.637
8.17
dwelling
GARAGE TO BE REMOVED
48.123
PART 1
LANDS TO BE RETAINED
AREA=874.3 m²
21.782
70.104
PLAN 62R-5571
22.128
12.334
14.067
19.809
PART 2
PART 3
LANDS TO BE SEVERED
AREA=437.6 m²
21.834
PART 3 SEVERANCE TO BE COMBINED WITH THESE LANDS
19.812
BLOCK 23
15
16
879, CONFIRMED SEPT. 12, 1968)
OWNSHIP LOTS 16 AND 17

APPENDIX "B"


Subject Lands
STONE CHURCH ROAD WEST
ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8
PLAN 1778 MISC
CRESLEY STREET
BLOCK 25
BLOCK 23
BLOCK 24
PART 5
PART 4
PART 3
PART 2
PART 1
PLAN 62R-11792
PLAN 62R-12854
PLAN 62R-10668
PLAN 62R-11795
PLAN 62R-12830
PLAN 62R-4577
PART 1, PLAN 62R-557
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 16 AND 17
PART 4, PLAN 62R-2602
CRESLEY STREET
PANTANO DRIVE
PLAN 62R-12842
PART 1 PLAN 62R-13265
PART 3 PLAN 62R-4074
1
2
3
4
5
6
7
8
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10
11
12
13
14
15
16
17
18
19
20
21
22
P.I.N. 16011 - 0056
P.I.N. 16011 - 0052
P.I.N. 16011 - 0048
PLAN 62M-
SHELDON ESTATES
BEING A SUBDIVISION OF PART OF
LOT 16, CONCESSION 8
GEOGRAPHIC
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH
SCALE 1:500 metres
S.D. McLAREN, O.L.S.-1997
SURVEYOR'S CERTIFICATE
OWNER'S CERTIFICATE
BEARING NOTE:
LEGEND
A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS

APPENDIX "C"


STONE CHURCH ROAD WEST
(ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8)
SUBJECT LANDS
RESIDENTIAL
RESIDENTIAL
CHESLEY STREET
BLOCK 23
BLOCK 24
ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 15 AND 16
CITY OF HAMILTON LANDS (PARK)
KEY PLAN
Sheldon Estates
LOT 16, CONCESSION 8
TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
A.T. McLAREN O.L.S. - 1991
OWNER'S CERTIFICATE
JULY 7, 1992
DATE
SURVEYOR'S CERTIFICATE:
JULY 7, 1992
REQUIREMENTS OF THE PLANNING ACT - 1983
(SECTION 50.2)
(A) SHOWN ON PLAN
(B) SHOWN ON PLAN
(C) SHOWN ON PLAN
(D) MUNICIPAL WATER
(E) SHOWN ON PLAN
(F) CLAY LOAM
(G) RESIDENTIAL
(H) SHOWN ON PLAN
(I) SHOWN ON PLAN
(J) FULL SERVICES
(K) SHOWN ON PLAN
(L) SHOWN ON PLAN
TOTAL AREA:
17 823.7 m²
4.722 ha
(185,394 sq.ft. - 4.256 acres)
A.T. McLAREN LIMITED

APPENDIX "D"

8

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 June 17
ZAC-99-22
Quinndale Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a modification in zoning for lands located on the south side of Loconder Drive between Upper Gage Ave. and Queen Victoria Drive

RECOMMENDATION:

(a) That approval be given to Zoning Application ZAC-99-22, Hamilton Habitat for Humanity, owner, to remove the 'H' Holding provision and for a modification to the "R-4" (Small Lot Single Family Dwelling) District regulations for lands located on the south side of Loconder Drive between Upper Gage Avenue and Queen Victoria Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "R-4" – 'H' (Small Lot Single Family Dwelling – Holding) District to "R-4" (Small Lot Single Family Dwelling) District;

(ii) That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

a) That notwithstanding Section 9A.(2)(b), a single family dwelling shall provide and maintain the following setbacks:

(i) 4.4 metres from the northerly lot line;
(ii) 1.2 metres from the southerly lot line;
(iii) 6.0 metres from the westerly lot line;
(iv) 15.7 metres from the easterly lot line;

(iii) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B for presentation to City Council; and,

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the owner be advised that they are responsible to reimburse the City of Hamilton for the existing above ground servicing costs (including land costs for the road allowance) in the amount totalling $ 21,409.63 and the Regional Municipality of Hamilton-Wentworth in the amount of $ 14,331.00 for the installation of the existing underground services, prior to the lifting of the 0.30 metre reserve, designated as Part 4, Plan 62R-13918.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to remove the 'H' Holding symbol and for a modification to the "R-4" (Small Lot Single Family Dwelling) District regulations, for lands located on the south side of Loconder Drive between Upper Gage Ave. and Queen Victoria Drive, as shown on the attached map marked as APPENDIX "A".

The effect of the proposed By-law is to permit the development of the subject lands for one (1) single family dwelling. In addition, the proposed By-law provides for the following variances:

(i) a 4.4 metre setback from the northerly (front) lot line whereas the provisions of the Zoning By-law require 6.0 metres;

(ii) a 1.2 metre setback from the southerly (rear) lot line whereas the provisions of the Zoning By-law require 7.5 metres;

(iii) 6.0 metres from the westerly (side) lot line whereas the provisions of the Zoning By-law require 1.2 metres; and,

(iv) 15.7 metres from the easterly (side) lot line whereas the provisions of the Zoning By-law require 1.2 metres.

Guy Papalla
for CAO.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is to remove the 'H' Holding symbol and for a modification to the "R-4" (Small Lot Single Family Dwelling) District, to permit the development of the subject lands for one (1) single family dwelling for lands located on the south side of Loconder Drive between Upper Gage Ave. and Queen Victoria Drive, as shown on the attached map marked as APPENDIX "A".

In addition, variances will be required to the yards due to the configuration of the single family dwelling building lot as per the submitted plot plan (see APPENDIX "B").

Zoning Application 96-09 – By-law No. 97-210

City Council, at its meeting of September 24, 1996, approved Zoning Application 96-09 for two lots for single detached dwellings for lands located at the south-west corner of Loconder Drive and Queen Victoria Drive (see Appendix "C").

The application was for a change in zoning from "AA" District to "R-4" District (Block "1") and "R-4" – 'H' District (Block "2"). The Holding provision was applied to Block "2" to prohibit the development of these lands until such time as land assembly had occurred with the adjoining lands to the south.

APPLICANT:

Hamilton Habitat for Humanity.

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape and have:

- 35.4 m of lot width along Loconder Drive;
- a lot depth of 13.70 m; and
- a lot area of 484.9 m^2.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant land	"R-4" – 'H' (Small Lot Single Family Dwelling – Holding) District
Surrounding Land Use		
to the north	Attached Housing and Single detached dwellings	"RT-30" (Street Townhouse) District and "R-4" (Small Lot Single Family Dwelling) District
to the south	Day Care Centre	"AA" (Agricultural) District
to the east	Single Detached Dwellings	"R-4" (Small Lot Single Family Dwelling) District and "C" (Urban Protected Residential, etc.) District
to the west	Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Quinndale Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the above application and find it satisfactory."

- The Hamilton Region Conservation Authority has advised that they have no objection to the proposed change in zoning.

- The Building Department has advised of the following:

  "1. The conditions under Section 2 of By-law 97-210 cannot be compiled with, therefore, the By-law should be amended so that all references to the 'H' Holding symbol shall be removed from the text of the By-law.

  2. The proposed dwelling requires a minimum 6.0m (19.69') front yard and a minimum 7.5m (24.61') rear yard. The proposed 4.4m (14.58') front yard and 1.2 m (4.0') rear yard does not conform.

  3. Two (2) 2.7m x 6.0m parking spaces shall be provided, only one (1) of which may be located in the required front yard."

- The Development Engineering Section, Community Planning and Development Division has advised of the following:

  "1. There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  2. According to our records, there is a 0.30 m reserve on Loconder Drive adjacent to the subject lands, shown as Part 4 on Reference Plan 62R-13918. As a condition of Zoning approval, we recommend that the applicant/owner pay all outstanding applicable servicing costs, land costs, etc. to the City of Hamilton and the Region of Hamilton-Wentworth. Upon receipt of the payment of these costs, the City will then incorporate the reserve into the public highway.

  3. Any works within the adjacent road allowance must conform to the City of Hamilton Streets By-law.

  4. That the owner be advised that they are responsible to reimburse the City of Hamilton for the existing above ground servicing costs (including land costs for the road allowance) in the amount totalling $ 21,409.63 and the Regional Municipality of Hamilton-Wentworth in the amount of $ 14,331.00 for the installation of the existing underground services, prior to the lifting of the 0.30 metre reserve, designated as Part 4, Plan 62R-13918."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Quinndale Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the Quinndale Neighbourhood Plan;
   ii) it represents an infill situation within an established residential area; and,
   iii) it would be compatible with the abutting and planned residential uses in the area.

3. At the time of approval of Zoning Application 96-09, Block "2" was placed in a holding zone to prohibit the development of these lands until such time as land assembly had occurred with the abutting lands to the south. This condition was due to the shallow depth of the subject lands (13.29 m in depth). A 13.29 m deep lot is less than the total of the minimum front and rear yard setback requirements of the "R-4" District (6.0 m + 7.5 m = 13.5 m). The applicant agreed to placing these lands in a holding zone as they had no immediate development plans for the subject lands.

   The applicant has attempted to assemble the subject lands with the lands to the south to create building lots fronting onto Loconder Drive in accordance with the "R-4" District provisions. The abutting land to the south (1279 Upper Gage Ave.) are presently used as a day-care centre (Mountain Nursery School) and playground equipment was recently installed on the portion of the lands required for land assembly. The owner of the abutting lands has advised, in writing, they have not been able to reach a resolution of the land assembly issue with the applicant for the purpose of creating building lots.

   Community Planning and Development Division staff contacted the owners of the abutting lands (Mountain Nursery School) and have been advised that they are not opposed to this proposal as they presently require all of their lands for use as a day care centre. Although it is Community Planning and Development Division staff's preference that the subject lands be developed comprehensively with the abutting lands (1279 Upper Gage Ave.), land assembly cannot occur because the abutting property utlizes their entire property for a day-care centre. In this regard, the subject lands would become a remnant undevelopable parcel of land based on the present zoning requirements.

4. To allow for the development of this lot, the applicant is requesting a 4.4 metre setback from the northerly (front) lot line and a 1.2 metre setback from the southerly (rear) lot line whereas the provisions of the Zoning By-law require 6.0 metres for the front yard and 7.5 metres for rear yard setback (see Appendix

"B").

Northerly (rear) Setback: The location of the dwelling is similar to that of a typical corner lot in that the side yard provides the outdoor amenity space normally associated with the rear yard and the 1.2 m setback from the northerly lot line is the same as the abutting dwelling to the west.

Southerly (front) Setback: The applicant has requested a 4.4 metre setback from the northerly (front) lot line whereas the provisions of the Zoning By-law require 6.0 metres. This variance can be supported in that it will allow for the dwelling to be located closer to the street and the two required parking spaces will be located in the easterly side yard a minimum of 6.0 metres from Loconder Drive.

Easterly and Westerly (Side) Setbacks: Under the provisions of the "R-4" District, one side yard of 1.2 m is required. However, in order that adequate outdoor amenity space and parking area is provided, it is appropriate to require a 7.5 metre (westerly) and 15.7 metre (easterly) sideyard based on the plot plan submitted with the application. In addition, the 15.7 metre easterly side yard would retain the development option of creating two (2) building lots 30.0 m deep fronting onto Loconder Drive.

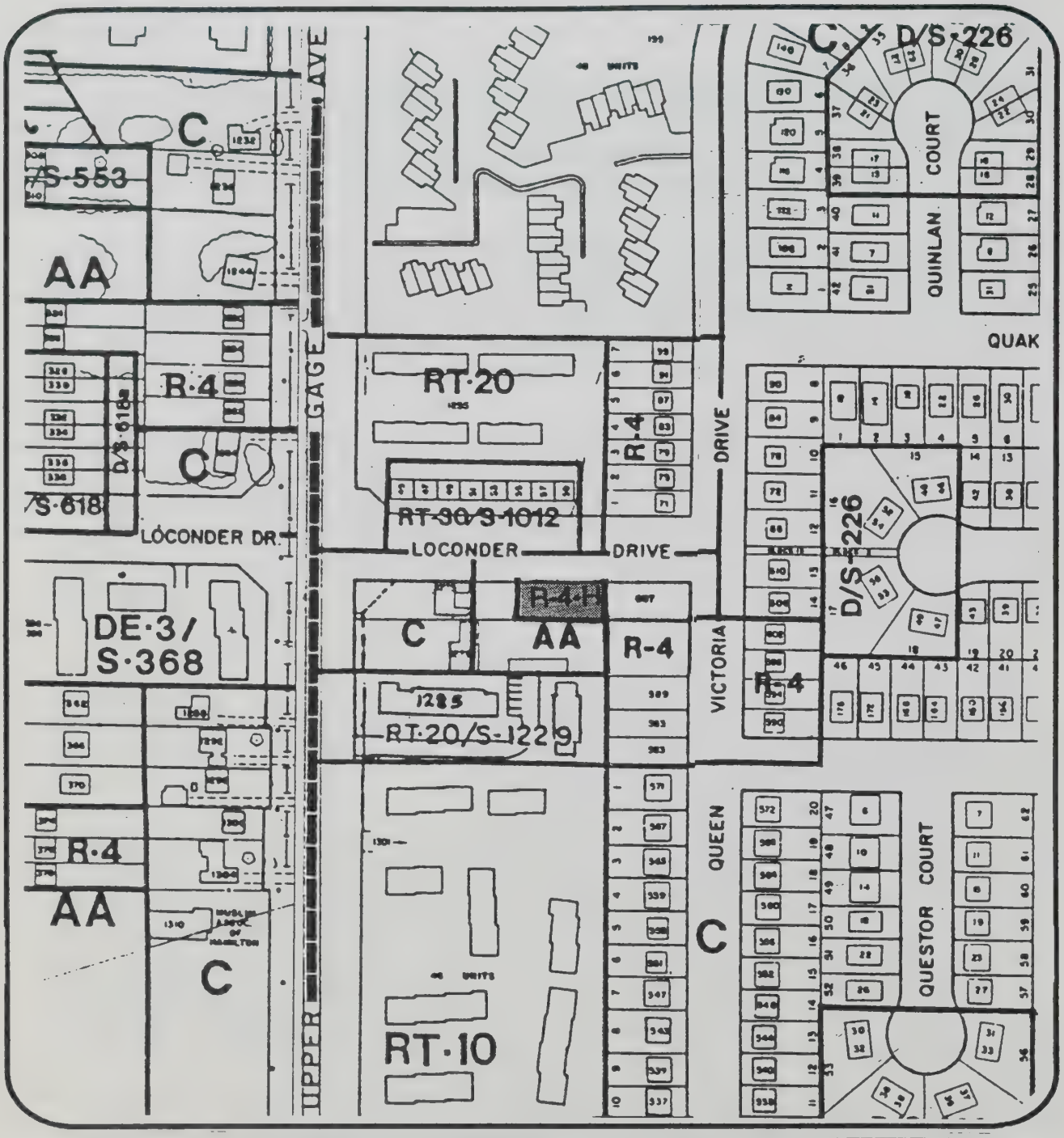
The variances to the "R-4" District provisions can be supported on the basis that the lot is irregular in shape. In addition, the lands cannot be consolidated with the abutting lands because the abutting owner does not wish to redevelop their lands at this point in time.

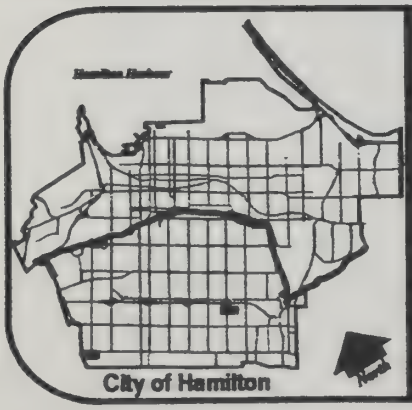
5. It is noted that the proposed easterly side yard will be 15.7 m. In the event that land assembly occurs with the abutting lands to the rear (Mountain Nursery School) then it would be possible to redevelop the subject lands to create two (2) building lots 30.0 m deep fronting onto Loconder Drive. The easterly lot would be 12.0 m wide and the westerly lot on which the proposed will be located would be 23.0 m in width. Subject to a rezoning to an appropriate residential zoning district (i.e. "C" District or "R-4" District), then both lots could comply with all of the applicable requirements of the Zoning By-law.

CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-22.doc
SR/sr





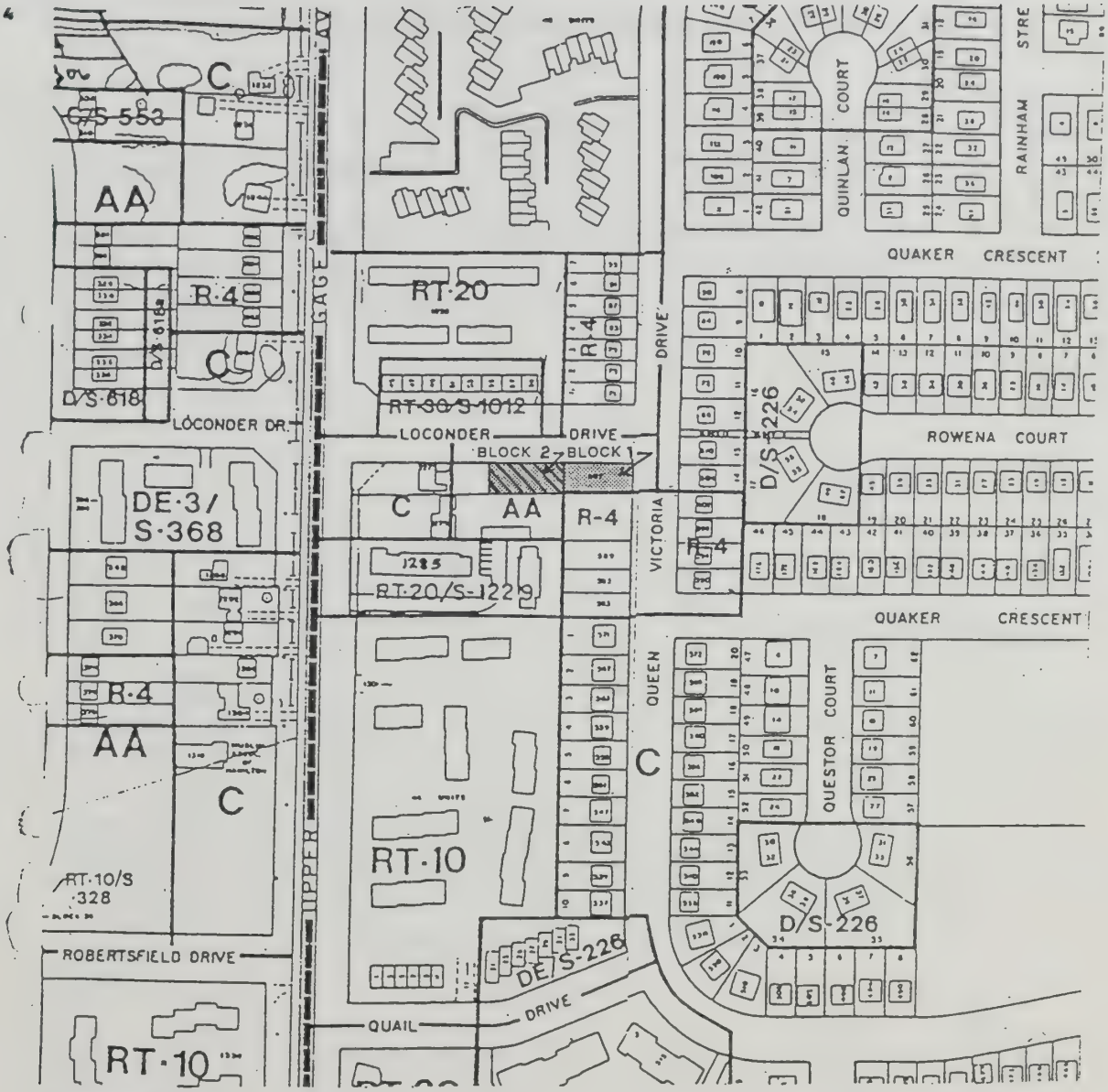
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

REMOVAL OF HOLDING PROVISIONS FROM "R-4"-"H" (SMALL LOT SINGLE FAMILY DETACHED HOLDING) DISTRICT TO "R-4" (SMALL LOT SINGLE FAMILY DETACHED) DISTRICT, MODIFIED

Reference file:	ZAC-99-22
Scale	Not to Scale
Date	MAY,1999
Technician:	FAB
	APPENDIX A



Legend

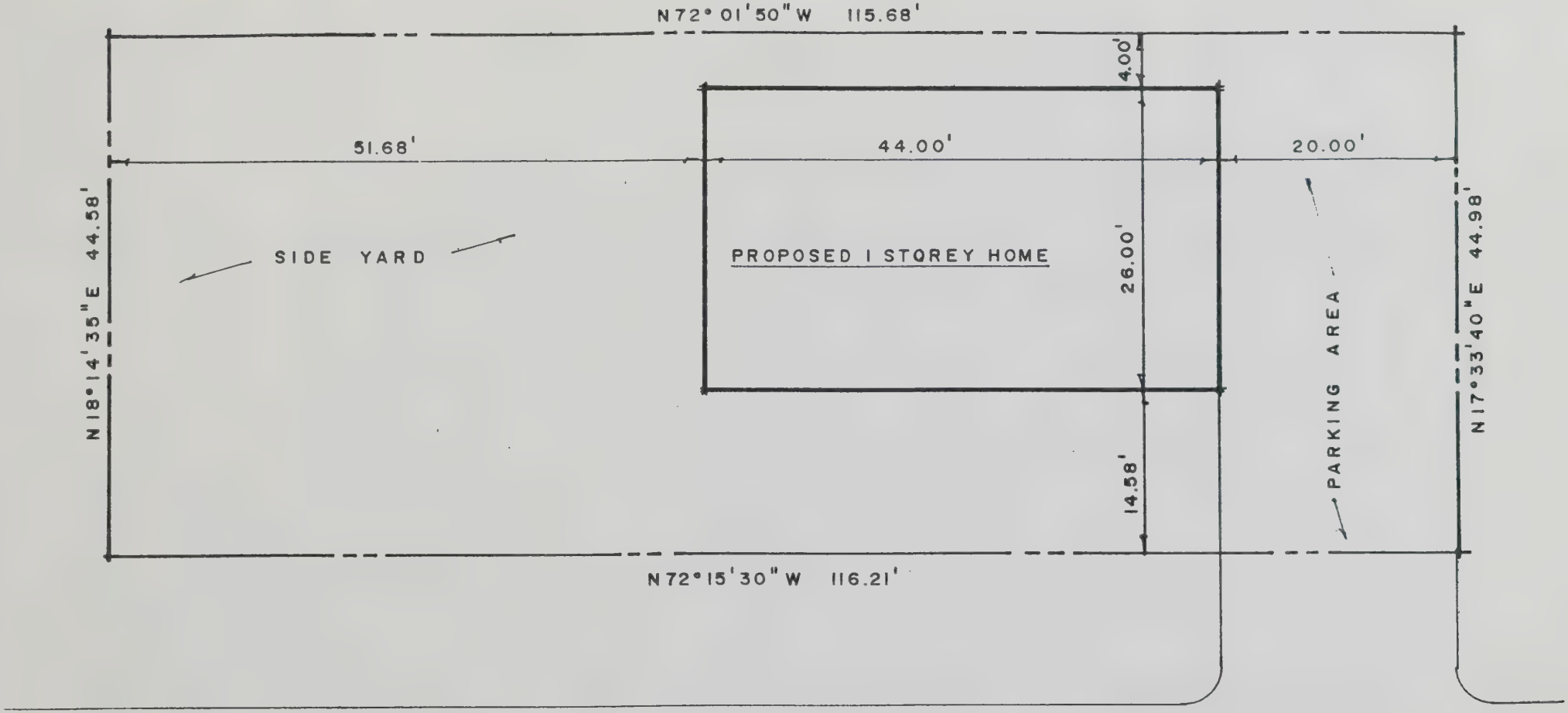
Site of the Application

Proposed change in zoning from:

BLOCK 1 — From "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

BLOCK 2 — From "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Detached - Holding) District;

APPENDIX B



LOCONDER DRIVE

APPENDIX C-1

SITE PLAN

SCALE 1" = 10'-0"

HAMILTON HABITAT FOR HUMANITY

APRIL 28,199

9a)

Office of the Municipal Clerk
Memorandum

TO: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

DATE: 1999 May 26

SUBJECT: Intent to Designate Auchmar, 88 Fennell Avenue West

The Planning and Development Committee at its meeting of May 19, 1999 tabled the abovenoted item upon the request of the applicant's solicitor to the next regularly scheduled meeting of June 23, 1999.

T Agnello

cc. Mayor R. M. Morrow
Alderman D'Amico, Ward 8
Alderman O'Sullivan, Ward 8
Victor Abraham, Director of Planning and Development
N. Chapple, Planning and Development Department
Rand Roszell, Director of Legal Services and Corporate Counsel

-file-

P+D May 19/99 – Tabled

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 11, 1999

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Intent to Designate Auchmar, 88 Fennell Avenue West under the Ontario Heritage Act

RECOMMENDATION:

a) That approval be given to the Intent to Designate the former estate of the Hon. Isaac Buchanan, known as Auchmar, at 88 Fennell Avenue West, as a property of historical and architectural value, pursuant to the provisions of Part IV of the Ontario Heritage Act, 1997, as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and,

b) That the Director of Legal Services and Corporate Counsel be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1997.

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The Local Architectural Conservation Advisory Committee (LACAC) at its meeting held July 6, 1998 reconfirmed the eligibility for designation of Auchmar, including the historic house, stable building, dovecote and stone walls.

At its meeting on March 8, 1999, LACAC agreed that a site visit should be arranged for Committee Members and directed Staff to prepare the Reasons for Designation. The site visit took place on March 24, 1999. Members present, walked around the entire site, examining all of the buildings (exterior only) and landscape features.

The Auchmar property comprises a 9.65 acre parcel of land at the north-east corner of Fennell Avenue West and West Fifth Street (opposite the Hamilton Psychiatric Hospital), which is the surviving portion of the original 86-acre estate of Isaac Buchanan (named Claremont Park). It includes the original Gothic Revival villa, stable building,

dovecote and stone walls, all dating from the 1850s. Also still standing is the entrance lodge located on the mountain brow, now a private residence at 71 Claremont Drive, which marks the original main entrance to the estate. Visitors arriving at the entrance lodge, approached the villa by a long straight tree-lined avenue, vestiges of which survive on the present-day grounds. There is, however, no longer any through access to the Auchmar property from Claremont Lodge as all of Buchanan's property between West Fifth, Upper James Street, Fennell Avenue and the Mountain brow (except for the present 9.6 acre parcel of land) was subdivided for housing before or soon after World War II. The reduced estate was sold to the present owners, the Sisters of Social Service in 1945.

The Sisters now intend to sell all of the Auchmar property except for a small parcel of land on which the stable building (their residence) is located. The property at large is currently zoned for single-family dwellings ("C" District). In August 1998, the Sisters submitted an application on behalf of the prospective owners (Bucci/Chiaravalli Group) to establish a draft plan of subdivision "Auchmar Village" for townhouse units and a seniors retirement home, to include a public roadway with accesses from Fennell Avenue and West Fifth. The original villa is to be retained but as yet no definite use for the building has been determined by the prospective purchasers. The Planning and Development Department has recommended denial of the subdivision application and the required zoning changes, principally on the grounds that the proposed housing development does not provide for the conservation of significant heritage features; it constitutes an over-intensification of land use and is not in keeping with the established residential character (single-family homes) of the surrounding area. This recommendation was tabled by the Planning and Development Committee at its meeting held December 8, 1998, in order to provide an opportunity for the applicants, City Staff, neighbourhood residents (represented by the Southam Area Association), and Ward Aldermen to meet to discuss the issues and hopefully reach an agreement. As yet, no consensus has been reached.

At its meeting held November 16, 1999, LACAC recommended that the proposed redevelopment of the site not be supported because of the loss of rare heritage features and further recommended that a letter be sent to the Historic Sites and Monuments Board of Canada requesting that Auchmar be evaluated for recognition as a National Historic Site. It is already recognized as a provincially significant and is commemorated by a plaque erected in front of Claremont Lodge.

The Sisters recently applied for a severance for a small piece of the property including the stable building and surrounding garden, which they intend to retain possession of. The application has been tabled twice by the Committee of Adjustment at the request of the Sisters' lawyer (last meeting held on May 5, 1999).

attached

cc Mayor R. M. Morrow
Alderman F. D'Amico, Ward 8
Alderman D. O'Sullivan, Ward 8
V. Abraham, Director, Planning and Development Department
N. Chapple, Planning and Development Department
R. Roszell, Director of Legal Services and Corporate Counsel

APPENDIX "A"

Auchmar

88 Fennell Avenue West, Hamilton

REASONS FOR DESIGNATION

In 1852, Scotsman Isaac Buchanan, purchased property on the west mountain for an estate worthy of a successful wholesale merchant, civic leader, and aspiring political figure in the United Provinces of Canada. In 1855, he began building his country manor on lands totalling eighty-six acres. The entire property he named Claremont Park; the walled and landscaped portion he called Auchmar after his family's vast estate on Loch Lomond. This walled estate, consisting of approximately 9.6 acres, is located at the north-east corner of Fennell Avenue West and West Fifth Street.

1850's Country Estate in Hamilton

In Upper Canada during the pre-Confederation era, it was the fashion for wealthy gentlemen to leave their mark on the new country by building magnificent country estates. For over a century Hamilton was distinguished for its legacy of elegant country villas dating from this period, most of which have been lost with the city's expansion. Auchmar is one of only two such estates on Hamilton mountain to survive intact; the other being Chedoke on the escarpment brow.

In some ways, The Honourable Isaac Buchanan's country estate of Auchmar may be considered a sequel to Sir Allan MacNab's estate of Dundurn. Built twenty years later, on the mountain instead of the bay and in a later architectural style, Auchmar shares many of the same planning and design features found at Dundurn.

Essentially, both properties are modelled after the gentleman's country estate of Britain. Like Dundurn, the entrance to Auchmar was heralded by a gate-lodge, located on its northern-most boundary at the escarpment brow (still existing at 71 Claremont Drive). For the requisite scenic approach to the grounds, Auchmar's driveway was designed as a .5 kilometre treed allee (following today's streets of Arcade and Glenwood Crescents) passing through an arched entranceway (now closed) into Buchanan's secluded private grounds. The treed allee continued southwards towards the main focal point, Buchanan's manor house, a home with presence and dignity, enhanced by landscaped gardens. The drive proceeded to circle around to the south entrance facade of the house, designed as a perfect mirror image of the north garden face.

Buchanan's complex includes additional structures typical of a gentleman's estate: a carriage house, two arched passageways, high garden walls, and a square, two-storey dovecote, all constructed in stone. The first stone wall swings north-east from the archway at the carriage house around to the dovecote, creating a sizeable, south-facing walled garden. A second high stone wall extends along the east border of the property and partially across its north boundary, designed to provide privacy and a shelter for Buchanan's original orchard. Most of this orchard wall still exists as do a number of apple trees believed to be remnants from his original planting. A third low stone wall runs along the south border of the property at Fennell Avenue.

Today, this historic enclave, although little known to the outside community, represents a rare and significant cultural heritage landscape, dating from one of Hamilton's most illustrious building periods. In 1970, Buchanan's Auchmar and its gatehouse Claremont Lodge were recognized and plaqued as a property of Provincial significance.

Picturesque Cultural Landscape

Like Dundurn, Auchmar survives today as a rare and outstanding example of a mid-nineteenth century Picturesque country estate, complete with manor house, outbuildings and landscape features. With its built and natural features integrated into a comprehensive design, Auchmar fully upholds the principles of the Picturesque: its setting is secluded and wooded; its structures and landscaping display an interest in movement and variety; and the choice of design capitalises on the play of light and shadow. The verandahs and terraces (now gone) once served to extend interior space outdoors into the garden, another key component of the Picturesque.

The architect of Auchmar is to date unknown; the landscape design is attributed to George Laing, a British landscape architect responsible for gardens at Dundurn Castle and Rock Castle in Hamilton, and Woodend in Ancaster (presently the HRCA headquarters).

Gothic Revival Style

The manor house of Auchmar is considered to be an excellent, full-blown example of the Gothic Revival style in Upper Canada, characterised by the use of such features as multiple gables, bargeboard decoration, pointed arched windows, bay windows and clustered chimney stacks. The lively and intricate detailing of the Gothic style enhances the Picturesque effect of the whole.

By comparison to the more formal Gothic mansions in Hamilton, like Inglewood and Rock Castle, Auchmar takes the more informal, playful aspects of the Gothic Revival and expands them to the grand scale of a country mansion. Unusual, too, is its interior layout based on a Roman cross plan with the central hallway running the width of the house flanked by staircases at each end. Designing identical front and garden facades, likewise, provided an inventive solution to creating equally important facades: the approach (north) side and the formal entry (south) side.

The Gothic Revival style was also successfully integrated throughout the estate. The interior of the manor house shows gothic detailing in the rib vaulting of the hallway, pointed arched doors, decorative wooden shutters, plaster ceiling, fireplaces, etc. Gothic detailing also appears on all the outbuildings--in the matching diminutive gatehouse, in the carriage house's bargeboard and pinnacles; in the dovecote's bargeboard, cupola and traceried pigeon holes; and in the latticed garden pagoda (now gone).

The Honourable Isaac Buchanan

The Honourable Isaac Buchanan (1810-1883) was a man of many achievements--in business, politics and church affairs. He became one of the country's leading wholesale merchants and together with several other businesses established Hamilton as an important wholesale distribution centre. Buchanan was one of Hamilton's major civic leaders from the 1850's to the 1870's, as a promoter of the railway and as a prominent figure in local politics and the Scottish Presbyterian community. He was also an influential figure in the politics of the United Provinces of Canada.

As Entrepreneur

Isaac Buchanan began his mercantile career in Glasgow as an apprentice with the trading firm, William Guild & Co. and moved to Montreal in 1830. By 1834, Isaac and his older brother Peter were able to establish their own firm, Peter Buchanan and Company, based in Glasgow. In 1840, the wholesale dry goods and groceries firm of Buchanan, Harris and Company was established in Hamilton, with a branch office in Montreal. With Isaac's fearless opportunism and his partners' managerial skills, the Buchanan enterprise expanded rapidly, becoming one of the largest and most profitable wholesale businesses in Upper and Lower Canada. Isaac Buchanan played an instrumental role in the formation of boards of trade, becoming first president of the Toronto Board and later the Hamilton Board (formed in 1864).

As Politician

Throughout his life Isaac Buchanan was passionately engaged in politics. In the early 1840's, he served as representative for Toronto in the first Legislative Assembly of the Province of Canada. He later served several terms as Hamilton representative (between 1857 and 1867) and was also appointed president of the Executive Council in the 1864 Tache Macdonald administration. He also deserves much of the credit, along with Sir Allan MacNab, for bringing the Great Western Railway to Hamilton.

As Religious Leader

As a man of religion, Buchanan gave liberally in time and wealth to Presbyterian causes and churches across the country. He was strongly committed to promoting the Knox "free" church, donating to the building fund for the first Knox Church in Hamilton (1845) and later bearing the major cost of erecting the MacNab Street Church (1856).

History of Site

The Mountain estate of Isaac and Agnes Buchanan, with its spacious villa and landscaped grounds, provided a fitting setting to raise their large family, entertain dignitaries, and hold church and political functions. Unfortunately, their enjoyment of Auchmar was relatively short-lived. Isaac's increasingly speculative and unprofitable business ventures forced him to begin selling off portions of his landholdings as early as 1862. In 1873, a large parcel to the west was sold for the construction of the Hamilton Asylum for the Insane and the remainder of his property, including Auchmar, was sold the following year to pay his creditors.

After 1874, Auchmar and the remainder of Buchanan's property changed ownership a number of times and continued to be subdivided. Around the turn-of-the-century, Auchmar was owned and occupied by Captain Alfred Trigge and his family. The estate was then acquired by Elsie Buchanan, the youngest daughter of Isaac and Agnes, who in turn sold it to Alan Vernon Young in 1926. During World War II, Auchmar served as a convalescent hospital for the R.C.A.F. The 33-acre property was further subdivided before the remaining portion was sold in 1945 to the Sisters of Social Service, a Roman Catholic order originating in Budapest, Hungary. The Sisters acquired the original building complex and surrounding landscaped grounds (9.6 acres in size) with the intent of opening a novitiate for women studying to become members of the order. The original villa was enlarged in 1963 by the addition of a large rear wing (with a chapel and conference centre) to serve as a retreat house. In recent years, the Sisters have lived in the smaller modernized carriage house.

Significant Features

Many remnants still exist from the layout of Buchanan's original estate but only those features on the present-day Auchmar property are included in the designation.

The features important to the preservation of Auchmar include but are not limited to the following: built and natural landscape features: the manor house, carriage house, dovecote, garden walls (four), treed allee, orchard, walled garden and park-like setting with its open space and mature trees.

Significant features of the manor house include but are not limited to the following: all four original exterior facades--walls, gables, dormers, clustered chimney stacks, all original windows including the castellated bay windows, doors, mouldings, decorative bargeboard, pinnacles/pendants and brackets. Included also on the interior are the first and second storey hallways and vaulting, the staircases, and the original walls, doors, windows, shutters, fireplaces, wood and plaster mouldings, and wood panelling.

Significant features include the exterior facades of the carriage house--original stone walls, gables and dormers, and pinnacles; of the dovecote--the original stone walls, gables, bargeboard, traceried pigeon holes; the original stone garden walls with coping stones, openings and gates; and foundation remnants near the wooded area.

Excluded from designation are the later additions to the manor house, the garage and the Holy Spirit Retreat Centre.

9a)i)

FAX MESSAGE

Fax No 546-2095

Number of Pages
1 of 1

To: City of Hamilton and
Reigon of Hamilton-Wentworth
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Tina Agnello, Secretary

Date: May 25th, 1999

Subject

RE: AUCHMAR ESTATE
88 Fennell Avenue West
Hamilton

From: TERENCE A. WHELAN, Q.C.
Barrister & Solicitor
Suite 203, 393 Ryrnal Road West

[illegible]
FAX NO 905 383-0816

Message:

Did the Committee adjourn its consideration of the LACAC recommendation concerning the above-noted property to its next meeting?

called 3:45 Tues May 25 left message w Sophie

Signed: Terence A. Whelan

If you encounter any difficulties in reading this Fax,
please contact: Sophie at 905 383-6381

SENT BY TERENCE WHELAN QC; 5-25-99 10:58AM; 9053830816 -- 905 546 2095; #1/1

City of Hamilton

Regional Municipality of Hamilton-Wentworth

Office of the Municipal Clerk

FACSIMILE TRANSMISSION

DATE: June 17/99.

TO: Terence Whelan Q.C.

PLACE: Suite 403, 393 Upper Rd West.

FAX NUMBER: 383 0816

FROM: TINA AGNELLO, P+D cttee Secretary.

FAX NUMBER: (905) 546-2095

PHONE NUMBER: 546 2729

NUMBER OF PAGES: 1 (including cover)

COMMENTS:

This is to confirm that the issue of the Ackman Designation will be heard before the Planning and Development Committee on Wed June 23 at 10:30 am in Rm 233, City Hall 71 Main st W. Hamilton

Thank you
T Agnello.

This message is intended for the named individual or organization only and may contain privileged or confidential information. Any unauthorized use, disclosure, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you received this message in error, please notify the sender immediately by telephone, so we can arrange for its destruction. Thank you.

71 Main Street West
Hamilton, ON L8P 4Y5
Tel: (905) 546-2700 Fax: (905) 546-2095

9a)ii)

JUN 1 1 1999

1208 - 136 Bay Street South
Hamilton, Ontario
L9A 2C8
(905) 523-8269
June 10, 1999

Planning and Development Committee
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8P 1H4

Attention: Tina Agnello
Secretary
Planning and Development Committee

Dear Tina:

Re: Southam Area Association

Further to our telephone conversation of today's date, I am enclosing on behalf of the Southam Area Association, 12 copies of the association's submission for the Planning and Development Committee's June 23rd meeting. I confirm that this material will be included with the meeting materials provided in advance to members of the committee.

With thanks for your assistance,

Yours truly,

Bill King.

Bill King

SOUTHAM AREA ASSOCIATION
C/O 81 CLOVERHILL ROAD
HAMILTON, ONTARIO
L9C 3L8
(905) 383-4988

June 10, 1999

Planning and Development Committee
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8P 1H4

Dear Sirs/Mesdames:

Re: "Auchmar" - Designation under *Ontario Heritage Act*

The Southam Area Association is a community association established by persons living nearby the Auchmar estate. The association was formed early this year, in response to our concerns about the plans for Auchmar as well as the future of our neighbourhood in general.

The association urges the Planning and Development Committee in the strongest possible terms to adopt and forward to council the recommendation of LACAC, that the Auchmar estate be designated under the *Ontario Heritage Act.*

Members of our association have attended all meetings of LACAC this year at which this issue was discussed. We are pleased with the amount of time and attention that LACAC has given to this issue, and we are confident that LACAC's recommendation has been thoroughly researched and considered. We also understand that the recommendation received unanimous support when it was voted upon by LACAC. .

We would also like to emphasize the following points with the Planning and Development Committee:

1. Auchmar is an estate a site of provincial historic interest, and the protection of such sites is specifically mandated to City Council and its committees in *The Planning Act.*

2. With the exception of Dundurn Castle and Park, Auchmar is the most significant historic site in the city. This is due in part to its builder, Hon. Isaac Buchanan; in part to its architectural significance and its status as one of our best known local landmarks; and in part to the fact that virtually the entire Auchmar estate has survived for 150 years - an extremely rare event throughout our province and Canada.

3. Apart from its significance to our city and country, Auchmar is also a place of extraordinary beauty. We urge the members of the Planning and Development Committee to visit the property in order to gain a full appreciation of its fascinating buildings, structures, and landscapes. Its value goes far beyond the local neighbourhood; with continued protection, Auchmar could become a valuable resource to all citizens of Hamilton as well as to visitors to our city.

4. Our association is also concerned that the west mountain lacks a Neighbourhood Plan. In due course, we would like to participate in the development of such a plan. In the meantime, we are concerned that development does not proceed in a piecemeal and careless fashion. We are also mindful that the grounds of the Hamilton Psychiatric Hospital may soon be developed, and we urge our aldermen to ensure that this development does not cause our neighbourhood to lose important recreational and cultural amenities which can never be replaced. We believe that the current practice of urban planning calls for a more careful and forward-looking approach. The efforts that are being made toward the development of a Downtown Secondary Plan are a good model for the kind of process that should take place in other neighbourhoods before it is too late.

5. Designation of Auchmar under the *Ontario Heritage Act* will provide a measure of protection. The City will recognize the importance of these nine-acres to the City of Hamilton. While we realize that designation alone cannot save the property or its most important elements, we do believe that it will be seen as a strong signal by the city that the property is worth saving, and will help to promote this goal.

6. We also emphasize the importance of Auchmar as a unity. We have attached a small copy of a poster which our Committee has designed. This is intended to show that the various elements of the estate fit together and collectively give it more signficance, as well as more beauty, than one or two elements would possess, taken out of context.

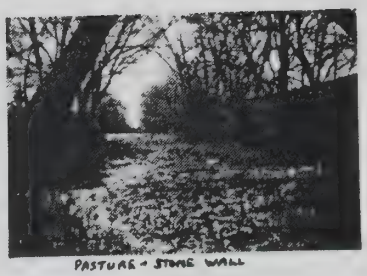
Many members of our association have been fortunate to have Auchmar's owners, the Sisters of Social Service, as our neighbours. We all have in common that we are homeowners and realize the expense of upkeep. We understand the need of the Sisters to recoup their investment in the Auchmar estate and ensure their future security. We are optimistic that a solution can be found which will both protect the sisters' interests and help to preserve one of the true treasures of our city. We believe that designation of the historic features of Auchmar under the *Ontario Heritage Act* will more clearly guide the future development of the site so that both goals can be met.

Yours truly

SOUTHAM AREA ASSOCIATION

AUCHMAR
CLAIRMONT PARK


GATEKEEPER'S LODGE + ORIGINAL CARRIAGE LANE


PASTURE + STONE WALL


CARRIAGE WAY


RELICS OF FIREPLACE

STONE WALL — ARCH




CHAPEL

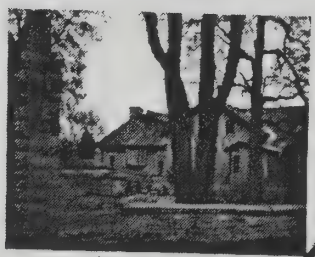

CARRIAGE LANE


ORCHARD

STONE WALL


DOVECOTE, STONE WALL + COACH HOUSE


AUCHMAR LOOKING SOUTH


COACH HOUSE

AUCHMAR

WALLED GARDEN

DOVECOTE


ENTRANCE TO COACH HOUSE

COACH HOUSE



MAIN ENTRANCE

WEST 5th STREET

WEST 2nd STREET

FENNELL AVENUE WEST

9a) iii)

Ms. Tina Agnello
Secretary,
Planning and Development Committee
Municipal Clerk's Office
City Hall
71 Main St. E.
Hamilton, ON L8P 4Y5

MAY 2 8 1999

May 28, 1999

Dear Ms. Agnello:

Thank you for explaining to me over the phone the procedure for addressing the June 23 meeting of the Planning and Development Committee as a delegation.

As I mentioned, we are a group of citizens concerned with preserving Auchmar House, its grounds and buildings. Although we are not part of LACAC, we support the LACAC proposal for designating the property as an historical site. The resulting six-month ban on demolition will give us an opportunity to assess a number of options which have been suggested for the property, and put together a proposal. We would like the opportunity to speak about these options and about the support we have garnered to date.

If we are permitted to address the committee, Mrs. Jane O'Flynn, President of Auchmar Millennium Project (AMP), will speak on our behalf. As I understand it, she will have five minutes. If you have any questions, please don't hesitate to call me or Mrs. O'Flynn (525-8204).

Thank you for raising our request.

Yours truly,

Frances O'Flynn

Frances O'Flynn
Secretary, AMP
President, H-C Communications
Fax: 528-6280; e-mail: touchstone@nas.net

Office of the Municipal Clerk
Memorandum

9a11.

TO: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee
Office of the Municipal Clerk

FROM: Charlene Touzel, Secretary
Hamilton Historical Board
Office of the Municipal Clerk

DATE: May 14, 1999

SUBJECT: Letter of Support for Designation and Protection of Auchmar, 88 Fennell Avenue West

Please be advised that the Hamilton Historical Board at its meeting held April 13, 1999, approved the following:

> That the Hamilton Historical Board support the designation and protection of Auchmar, 88 Fennell Avenue West, Hamilton.

C. Touzel

cc Nina Chapple, Planning and Development Department

THE SOUTHAM AREA ASSOCIATION

9a) 2.

81 Cloverhill Road
Hamilton L9C 3L8 Ont
May 15, 1999

Department of Planning & Development
City Hall
Hamilton, Ontario

Dear Sirs:

In the lower city of Hamilton there are approximately a dozen buildings used as heritage examples, and open to the public.

On the mountain it is a sad tale. One can think of only three or four examples.

One of these is the 150 yr-old former estate of the Honourable Isaac Buchanan, and known as Clairmont Park or Auchmar. That property, owned to-day by the Sisters of Social Service, is listed for sale.

It is the strong opinion and concern of most all homeowners in the Southam Area, and many others throughout the city, that Auchmar should be preserved as a national historic site.

Here are our reasons:

1. To be kept as a green space suitable to the area, and thus sustaining the natural environment.

2. To preserve the existing orchard, trees and the habitat of plant, animal and bird life.

3. To prevent any historical destruction, such as the manor house, carriage house, gates, stone walls, dove cote etc.

4. To provide a teaching model for the citizens of Hamilton, especially children.

5. To honour our former benefactors of the nation.

Respectfully yours

T. M. Bailey

T. M. Bailey

Chairman

Enclosure

Isaac Buchanan
Autopsy of a Presbyterian Layman
T. Melville Bailey

The many-faceted life of Isaac Buchanan marked him a Nineteenth Century Presbyterian layman extraordinary. Today, we will see him best if we imagine him as a Scottish-born actor on the Canadian stage, playing out his role as a business man, humanitarian and churchman.

Buchanan As Business Man

In the eleventh century, King Malcolm II of Scotland gave an Irish King 1400 princely acres of land, good for shooting and with both highland and lowland features, on the eastern shore of Loch Lomond, for his help in driving out the Danes. During the thirteenth century, Gilbert Buchanan was the first to plant his name in the district. Eventually, the entire Buchanan clan peopled the region, occupying their manor house and estate called "Auchmar," which means "field by the water." The clan is ecclesiastical in origin, meaning the Son of the Abbot. The Buchanan crest shows a hand holding up a ducal bonnet which reads "I favour the brave."

In the early 1800s, a wealthy Glasgow cloth merchant, Peter Buchanan, possessed the romantic estate and house. He was an active elder in the Kirk, favouring the evangelical wing. Peter's fourth son, Isaac, was born in Glasgow on 21 July, 1810. At age fifteen, during his father's absence, the boy switched from a school student to an apprentice in a dry goods importing firm. However, he took part-time studies in philosophy and medicine. Five years later, his employer entrusted his aspiring junior employee to open up an agency in the New World, first in Montreal and then York. Later, with inheritance money, Isaac and Peter, his older brother, bought the Upper Canada firm.

Supported by Tory merchants, in 1841, the thirty-year-old Scot was elected in the first union parliament of the Canadas, where he sat as a thorny reformer and was called "...a loose fish." The 1837 Rebellion saw him serve on the government's side, commanding an all-Irish regiment. It was related by Buchanan that, in order to trick W. L. Mackenzie to change his plans, Isaac wrote two fake letters giving false information that the government leaders were well-prepared. As hoped, Mackenzie seized the mail and changed his plan of action. Isaac continued on to Niagara helping to oust the rebel and to witness the burning of the "Caroline."

In Glasgow, Isaac married seventeen-year-old Agnes Jarvie who was only half the groom's age. The daughter of a wealthy Glaswegian merchant of early French background, Agnes proved throughout to be Isaac's loving partner, bearing him eleven children. The happy newlyweds set out for Toronto where, in 1844, he transferred both his business and residence to Hamilton. There he prospered as a wholesale merchant prince, whose burgeoning business grew to include thirty stores across the Canadas. In a day when commerce ruled the economy, he advertised "Dry goods spring shipments by the arrival of the English steamer... for variety and nicety they have on no other occasion held superior assortments."

In 1846, extremely agitated by the passage of the Corn Laws in Britain, which to Buchanan meant a threat to his business and the possible annexation of Canada by the Americans, he called Peel's laws "vitally wrong." Isaac reacted rashly, uprooting his young family by selling their house and moving to Edinburgh. There he disconnected himself from the Kirk, whose views opposed his own. So intense were his efforts to reintroduce protectionism that he almost

plunged himself into bankruptcy. Wisely accepting his brother's advice, Buchanan returned to Hamilton in 1850 with five children in tow.

The next five years saw the young business man benefiting from a bursting economy, which caused him to become one of Canada's wealthiest merchants and to earn the phrase "...as good as the bank." This success allowed him, in the mid-fifties, to finish building a castle-like residence named "Auchmar" on Hamilton's mountain brow alongside the old Ancaster Road. In time, railway building came first in the range of his many interests. In 1846 he organized the Toronto and Hamilton Railway, became the father of the Great Southern and at times presided over the Great Western Railway. All railways seemed close to his heart for in February, 1847, he urged Lord Elgin to hire 25,000 men on the Halifax and Quebec Railway. When the Great Western began to boom he hoped to get their shops located in Hamilton. Before that railway became a reality Hamilton had to rely on lake navigation and wagoners.
Canada's need for reform of her tariff, currency and trade laws was one of Isaac's priorities. Perhaps his learning in these matters began when he saw the need for founding a Board of Trade in York in 1835. He served as president for two years. This experience was instrumental in his founding of the Hamilton Board of Trade in 1845. Soon he would become an exponent of three topics: banking, trade and currency. On these subjects he became a voluminous writer, expending large sums on printing.

One of his favourite hobby-horses was trade. At times, Upper Canada found itself deep in instability. This was caused partly by the recurring stomach pains due to frequent economic crashes that succeeded each period of prosperity. To recover, Isaac advocated the raising of trade tariffs. Make Canadians buy home-made products! He and others formed the Association for the Promotion of Canadian Industry, which in turn gave bread to the unemployed. Also, money was kept at home. Some people crowned him with the title: "Father of Canada's Protective Tariff."

Isaac's other "beating boy" was currency. He preached the creation of a money system that would not put bills in the hand. Instead, he advocated the printing of emblematic money, having no intrinsic value. In a manner not easily explained to his public, when a bank failed there would be no loss of money to the subscriber, only loss of points or credit. He also campaigned in 1857 for a floating gold market. Isaac's editor friend, H. J. Morgan, produced the book "Buchanan on Industrial Politics of America " a collection of the latter's speeches and writings on many topics.

Although politics was not his most favourite interest, this active chess player and rising star in Canadian affairs won two more parliamentary elections. In 1864, he achieved the position of President of the Executive Council in the Tache-Macdonald government and also receiver-general. However, in 1874, when the ensuing years brought Buchanan's business to a collapse, the Hamilton Grandee was forced to close all his firms, to sell even his beloved Auchmar estate and to live in straightened circumstances until his death in 1883.

Buchanan's Humanitarian Interests

Isaac's fifty-year-long career was marked by a generous concern for the welfare of his fellow man. He had a heart for the sufferings of the Scottish crofters and all nationalities, no matter what race. During his early years in York, he helped to found the predominantly Scottish St. Andrew's Society in 1831. Forty years later, he assumed the first presidency of the new

Hamilton Club. Thus, over the years the name Buchanan became synonymous with a host of improvements in public life, culture and education. When Hamilton's first public school was mooted, he threw himself into a venture which resulted in Central School, established in 1853, to accommodate one thousand. Two years later, as founder of the Hamilton Education Movement, Isaac joined others in securing a charter for a proposed finishing school or college in Hamilton. In 1864 he encouraged the Legislative Assembly to look with favour on the Hamilton Children's Industrial School, where poorer children had the opportunity to learn the merits of education. Also, help from his heart and his pockets assisted in the founding of Hamilton's Wesleyan Ladies' College. Inheriting Scotland's goal in adult learning, Isaac's legendary generosity also provided library books for the local Mechanics' Institute.

Buchanan's other beneficences lay in the field of his own personal interests, such as his charter membership in the Fruit Grower's Association, in which he won a prize "for the best collection of peaches" grown in his own orchard. He also found enjoyment in the Horticultural Society. Arising from his fondness of horse-rearing in his Auchmar stables, the laird became the first president of the Hamilton Riding Drivers Association.

A far different contribution to society awaited Isaac's attention. Nearing the end of the American Civil War, some Canadians harboured fears that Americans secretly eyed the possession of Canada. The New York Times came out publicly with the idea. This resulted in the need for new Canadian Military units. In Hamilton a new drill shed was erected. In 1863 a battalion of the Active Militia -- designated as the Thirteenth -- was authorized. Following the consecration of their colours in Christ's Church Cathedral, Mrs. Buchanan presented them to the new militia unit. At a mess dinner, as a group of military men finished off their meal of oysters and turkey, they eagerly listened to their first Lieutenant-Colonel, Isaac Buchanan, announce "I think we have an apt motto for our Colour . . . 'Semper paratus' . . . always ready!" Thus, the patriot who had served in 1837 agreed to spawn and help Hamilton's effort toward defence.

Isaac's precautions were well justified. The 13TH Regiment was soon given their first test in action. Irish malcontents in the United States crossed the border at the Niagara River and met the Canadian and British forces in battle. At Ridgeway, on 2 June, 1866, confusion reigned on both sides, but the invaders hurriedly left for their homes. The wounded from the 13TH, the Queen's Own Rifles, plus the Caledonia and York regiments were treated for their wounds at Auchmar. In all of Buchanan's humanitarian contributions, it can be said that the world would have been poorer without his hand.

Isaac's physical features were striking. Heavily built but not overly tall, his facial features reflected a cloud more than the sun. His brow resembled the efforts of a competitor wrestling with an intellectual antagonist. Only in a photograph taken before his death is there a softness seen, as though the trials of life had at last been dropped. His vitality was superabundant with both physical and mental labours vying for his attention.

One of the most attention-getting features about Isaac was a laugh that rose like thunder from the bottom of his stomach. Upon hearing the first note of that laugh, anyone talking in a large room would immediately cease. On the occasion of Isaac watching a stage play, the laugh brought actors and audience alike to gaze at the box he occupied. The moment following his laugh not a trace was found on his sphinx-like face. In parliament the "Buchanan laugh" became a by-word.

The Auchmar Buchanans shone as able hosts to both royalty and the common citizen. The amiable Agnes was well-known for her resplendent dinners served on pastel-shaded Nagasaki

china and shining linen. Isaac invited governors, local and national politicians, railway pioneers, business men, religious dignitaries and, on the occasion of the anniversary of the British Proclamation of Emancipation, a crowd of black people came to enjoy a meal and the splendid lawns, gardens, dove cote and gazebo. Sunday School children enjoyed outside fun during picnics held there. Only on one occasion was anyone turned away -- a person of royalty! In 1860, the Prince of Wales arrived in Hamilton and was offered Auchmar's hospitality. However, when it meant that Isaac's entire family would have to vacate the house, the Prince was "billeted" elsewhere. In summary, what the Upper Canada colony called for from her citizens Buchanan provided with his "practical philanthropy."

Buchanan's Religion

For our actor there now remained in the wings an even larger role: religion. It was here that Isaac would shine as brightly as any other major Presbyterian layman. When did that begin? Upon first arriving in York, the young Scot planned to remain in Canada only long enough to make his fortune before retiring to Scotland. Instead, religious factors intervened to play a trump card in the alteration of his intentions. In the 1830s the ruling body in Upper Canada was the Anglican-dominated Family Compact. Their strangle-hold on political issues angered Buchanan, who saw no reason why the Church of Scotland in Canada should not share equally the government money, set aside by the Clergy Reserves. Why should not the Scottish church be included?

What did the controversy over the Clergy Reserves involve? By the Constitutional Act of 1791, land in newly surveyed areas of Upper Canada, totalling 2.4 million acres, was set aside for support of the "Protestant Clergy." These reserves came into focus following the waves of immigration after the Napoleonic wars. After application for a share in the fund was made, Bishop Strachan wrote a pamphlet stating that "Protestant Clergy" meant Church of England only! Among the Scotsmen angered was Isaac Buchanan who, receiving solace neither from the Episcopalians nor the government, raised his lance to do battle. It was his belief that rebellion after rebellion would ensue if the governor-general did not see the reserves issue soon resolved.

Isaac's pen, too, quickly moved to counteract the injustice -- firing off pamphlets and letters to the editor. Thus began his notable writing career, and such public attention soon caught the eye of other reformers. It also brought Isaac to a closer awareness of his Church's role in the swelling controversies in Scotland. A planned trip to his homeland prompted Presbyterian leaders in Toronto to ask him if he would present their petition to the colonial secretary, thus pointing out to the mother church the inequities existing in the colony. Agreeing to do so, Isaac even gave evidence before their general assembly. This not only influenced the committee's report, but brought him in touch with Dr. Welch of later Free Church fame.

It was not until 1840 that the reserves question was settled in Canada: giving Anglicans forty-two percent of the income; Church of Scotland twenty-one percent, and thirty-eight percent left to include any qualifying denominations. The co-establishment status of the Church of Scotland had been recognized!

All this activity had a salutary effect upon Isaac himself. Up to that point, he had not experienced the same "feel" for the Church that his parents exhibited. Although, he later admitted being possessed of enough of the Scottish character as "to have the fear of God," in his early years Isaac remained aloof from active church participation. Little did he know that the subject of

church and state relations would stir the marrow in his bones. Beginning to assume responsibility in Toronto's lone Presbyterian congregation, both as an elder and a trustee, Isaac became involved in the choice of a new minister for St. Andrew's Church. Also, Isaac began to feel that he could no longer remain aloof from the impending disruption and subsequent founding of the Free Church in Scotland -- an event described as "unparalleled in the world."

How had this event come about? The Kirk, which was first grounded on a separation between the church and the state, had now arrived at a different stance: accepting state grants, and allowing patrons to decide the choice of a minister, over the congregation's wishes. Wide-spread discontent filled the Kirk, which became disrupted in 1843 by the defection of one-third of its ministers. Those who broke ties became organized as the Free Church. The following year the Kirk Synod in Canada faced a similar disruption, and in 1844, nearly one-third of the ministers cut the Canadian umbilical cord. Still claiming that Christ was King over the Church, they were ready to ask for help from the Clergy Reserves.

During the period 1844-46 Free Church emissaries, such as the energetic Robert Burns, were sent to North America to persuade their Canadian cousins to join the fray. Isaac stood shoulder to shoulder with them, opening his pockets freely. After a Free Church synod was organized in Kingston, Isaac was called upon to help found Knox Free Church in Toronto and he later brought back Dr. Burns as their pastor, who later became a professor at Knox College. Such zeal caused others to look upon Isaac as a lay leader of powerful capabilities.

When Buchanan moved to Hamilton he found further opportunities to assist the new movement. Dissenters from the local St. Andrew's Kirk had already caused a religious upheaval in Hamilton's religious community. Isaac reacted by helping the Free Church supporters with a gift of 125 pounds and he became a member of their building committee that soon erected Knox Church. Thankful fellow-members chose him to lay their cornerstone. Later, when Knox's off-shoot congregation called the MacNab Street Church was formed in 1856, Isaac gave them the land and set their cornerstone. Concurrently, he also offered 50 pounds to each of the first ten new Free Church congregations to be built in Canada West. In return, they had to assume the name "Knox" and accept certain stipulations, such as the proper control of their property. Towns as far north as Goderich looked to him for advice and help, even as to his choice of their building lots. From far and wide, letters arrived in Hamilton asking him for rulings on policy and other matters.

Another means of looking into Isaac's heart and brain occurred in 1843, a year before the Free Church saw the light of day in Canada. The Temporalities Bill was introduced in the Canadian parliament by the clergy of the Church of Scotland to provide control by church courts, rather than through congregations -- making the Church a creature of the state. This tendency did not sit well with laymen like Isaac. Instead, it speeded up disruption in Canada, and also opened up the existing wound between the minister and laity, so much so as to coin the word "Ecclesiastic-phobia." Buchanan's own phrase was "Vile Ecclesiastics!"

The bill was intended to raise money from church members for a higher standard in ministers' stipends. Other interests also surfaced, such as to what extent laymen would have a say in control of church property, etc. It was the old bogey of clerical control, which the Banner newspaper saw as the ministers' grasp for more power. A successful sustentation Fund would free the Church from any financial dependence on government. Isaac agreed, also fearing such triplets as congregationalism, Americanism and voluntarism. He was called "the first reformer to warn against republicanism." The fund was abandoned in 1849.

In 1844, when the Free Church opened Knox College in Toronto, Isaac's hand was again visible. He donated two bursaries to aid students and provided 500 pounds for the college's upkeep, as well as 30 pounds yearly for good will. His name was found among the presbytery representatives appointed to the building committee.

However, it is vital to look more deeply into Buchanan's personal religion. Both in Montreal and York, as a teenager he showed indifference to his parental upbringing, yet without abandoning his morals. Religion did not yet "grab" him, even after a sharp rebuke from his sister. What definitely shook him from his new world environment was his marriage in 1843. Agnes' benign influence shook her husband so acutely that he felt unworthy in God's sight. Only His grace brought the business man to a genuine religious repentance. Now feeling himself as one of the elect, he began to formulate a series of rules for the conduct of their lives. This Presbyterian code of conduct, which became the couple's ten commandments, was not written in stone until 1849.

For Isaac, life must be ruled by a rigorous schedule. It included for him to rise at 8 a.m. to conduct his private devotions, consisting of prayer and bible reading. This was followed by an hour of reflection upon the conduct of his life. Some prayers might be written down, asking for God's help and approval. After suppertime, an hour was spent between the parents and their children. Before retiring at 10 p.m. Isaac attended to business matters or to reading alone. Sundays were spent in worship and holy rest, sprinkled with "proper reading." Thus, Isaac felt that God was suitably obeyed and glorified. In return, he expected fruitful results in the realm of business. In Buchanan's up-and-downs of life, he always believed that God was dominant in all his affairs. This procedure, as well as satisfying his soul, benefited the business man's ego.

In order to prosper in business, adjustments to his faith were sometimes made. This was a common trait among religious business men in Isaac's day. He argued away any lapses in keeping to his code by still feeling himself in "a higher presence than that of statesmen and kings." However, on some occasions, his extreme business reverses caused his euphoria to disappear. If the occasion arose to ask why God was silent following his prayers, he reasoned with himself: "not every day do I feel that I am fulfilling God's will for me." Or, he hopefully justified himself by saying: "I am on the right track... when I am reading the scriptures... and interpret it through preaching."

Fortunately, a further religious awakening marked his life. In February, 1866, returning home by train from a New York business trip, and during a forced Sabbath layover on Lake Champlain, he heard a sermon preached on the subject of praise. This so thoroughly enlightened him that he felt it as a divine revelation: opening a window to new faith. All doubts about the relationship between trust in God and his business losses were set to rest. He seemed to hear for the first time that Jesus loved him long before Isaac truly loved God. He had found a new God to lean upon!

In retrospect, what niche does Buchanan fill in Canada's past? H. J. Morgan, his biographer, in 1862 answered: "To write a history of [Buchanan's] thirty years' life of ceaseless activity, with more than half of his time devoted to the business of others and of the public, would be to write a history of Upper Canada." On the heels of Buchanan's death in 1883, praise of him followed in the public press. The Toronto Globe called him "...one of those prominent pioneers of whom there are now but comparatively few left in this Province." The Evening Canadian considered him "...one of the most remarkable men in the Province." The Hamilton Spectator lauded him as "One of nature's noblemen." In a different vein, a Hamilton bard saw paramount in

him the qualities of patriotism and pluck:

> Come forth, Buchanan of that ilk,
> Receive the praises due
> To pluck and patriotism....

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CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

a Subcommittee of the Planning and Development Committee

c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

DATE: 1999 June 9
TC-CAP(C)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mary M. Pocius
Chairperson
Central Area Plan Implementation Committee

SUBJECT: Links Between Downtown and the Harbour
- CAPIC Request for Study and Related Improvements

Mary M. Pocius

RECOMMENDATIONS:

a) That the Central Area Plan Implementation Committee (CAPIC) request the Planning and Development Committee to direct appropriate standing committees of Council and staff to undertake a study of linkages between the Downtown and the Harbour, and carry out related improvements. The intent is to improve pedestrian and cyclist connections, especially along James and Bay Streets, and the east-west cross streets between them. This study would consist of:

   i) James Street North – landscaping and signage improvements, and gateway treatments in the short term, without a detailed study;
   ii) Bay Street North – preparation of a plan for pedestrian, cycling and vehicular access, between Main Street and Bayfront Park; and,
   iii) East-West Streets Between James and Bay Streets– provide better linkages to Bayfront Park, on both sides of CN Railway tracks, on east-west streets such as Strachan and Stuart Streets.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The proposed study and improvements include a wide range of possible projects, large and small, of many types. The financial and staffing implications of these proposed improvements and studies must be determined; priorities established; a plan of action prepared; and appropriate budget sources identified. The implications for capital and current budgets can be determined once these further details are known.

It is possible that it some of these improvements can be done by reallocating priorities within existing budgets, such as tree planting, minor signage improvements, etc. Major studies and improvements may involve new budget items. There may also be potential to access special purpose funding, such as that available for millennium projects.

BACKGROUND:

The core of Downtown Hamilton has received much attention in recent years. This has been due to various initiatives such as the Downtown Secondary Plan, the Hamilton Downtown Ideas Charrette, Strong Medicine, the Downtown Marketplace for Ideas with Gianni Longo, the Downtown Partnership, development incentives fee rebates, and a wide range of other studies and initiatives.

The Harbour area to the north of Downtown offers a number of recreational and tourist attractions, as well as a mix of residential, commercial and other destinations. The Downtown and Harbour are in close proximity, so that many people walk and cycle between them.

Existing pedestrian and cyclist linkages between these two important areas are excellent in some sections, but are in need of major improvement in other sections. It is proposed that a review be undertaken to help develop a comprehensive system of pedestrian and cyclist linkages between Downtown and the Harbour. This is proposed to be done within the context of the overall transportation system, so that improvements to road facilities for autos and transit will also be considered.

<u>Existing Policy Direction Regarding Linkages</u>

The importance of providing well-established linkages between Downtown Hamilton and the Harbour, especially for pedestrians and cyclists, has been identified in various policy documents, including the following:

- Central Area Plan (1988);
- The Hamilton Downtown Ideas Charrette (Hamilton Society of Architects, 1996);
- Downtown: A Marketplace for Ideas (Gianni Longo, 1998);
- Strategies for a Sustainable Community – Vision 2020 (1998); and,
- Putting People First –Downtown Secondary Plan – SWOT Workshop (1999).

The specific policy references to improvement of pedestrian and cyclist linkages between downtown and the harbour in the above-noted plans are outlined in the

following sections. There are further references to this matter in other documents, including recent Neighbourhood Plans for Central and Beasley; the Strong Medicine report, and the Downtown Transportation Plan.

The Central Area Plan, September 1988, contains policy direction to encourage the reinforcement of linkages between Downtown and the Harbour, namely:

- "The waterfront area should be accessible from all areas of the City, particularly through strong, readily identifiable pedestrian and vehicular links to the Downtown Core." (Policy 4.6.5);
- "Pedestrian links between the waterfront and the downtown will be planned, designed and developed as a priority to maximize the mutual advantages of each area to the other." (Policy 4.6.6);
- "pedestrian walkways will be encouraged to form a continuous green space corridor linking the Escarpment to the Bay. These links will provide access to parks, residential areas, the Downtown", etc. (Policy 4.8.11);
- "A bicycle path system, similar to pedestrian links, will be encouraged to link the Escarpment and the Bay and provide access to parks, residential areas, the Downtown and other destinations in the City." (Policy 4.8.13);

The Hamilton Downtown Ideas Charrette, held in June 1996, organized by the Hamilton Society of Architects, analyzed strengths, weaknesses and opportunities in the downtown, and also noted the need to improve linkages for pedestrians and cyclists:

- Team 1 - need to "Strengthen connections between downtown, the 'mountain' and the waterfront", with streetscape improvements on Bay, other streets;
- Team 2 recommended conversion of James Street to two-way from Escarpment to the waterfront, with related improvements for pedestrians and cyclists;
- Team 3 - need improved pedestrian spaces, traffic calming and two-way streets;
- Team 4 noted that one-way streets kill the street life needed for a lively city;
- Team 5 asked that preeminence be given to the pedestrian environment, by means such as returning to a two-way street system; and,
- The overall Conclusions called for development of a series of 'green links' ... connecting existing and proposed streets, parks, cultural facilities.

Downtown: A Market Place for Ideas, facilitated by Gianni Longo, included a town hall meeting and workshop held in February, 1998:

- The purpose was to develop a vision and mission statement for the downtown; agree on goals and short-term initiatives for seven downtown issues; and define the role of the Downtown Partnership in implementing the vision;
- One of the seven downtown issues was *Links With the Hamilton Harbour*;
- The *Goal* stated for downtown links was: "The future downtown will make the harbour and downtown destinations connected physically and emotionally to their people, their industrial heritage, their natural and physical treasures, and cultural history";

- *Strategies* identified for improving these links included developing pedestrian and bicycle linkages between waterfront, downtown, industrial areas and escarpment;
- The *Conclusions* noted the importance of linking downtown to the harbour, from escarpment to the waterfront, in a coordinated manner, preserving historic value.

Strategies for a Sustainable Community – Vision 2020 (1998) continues the implementation of Vision 2020 – The Sustainable Community, which was first adopted in 1992. This most recent report included several references to the desirability of improving links between downtown and the harbour:

- The *Livelihood* component of the vision notes: "The harbour is a vibrant centrepiece for the community, and is accessible, clean, humming with diversity."
- The section on *Improving the Quality of Water Resources* includes as a goal "To make the Lake Ontario and Hamilton Harbour waterfronts accessible, safe and attractive for recreation."
- Various issues and goals support the need to improve pedestrian, bicycle links.
- The *Hamilton-Wentworth Official Plan, Towards a Sustainable Region*, which carries forward the Vision 2020 policy framework, puts much emphasis on bicycling and pedestrian modes of travel, and the need to improve related links and facilities, as well as accessibility to the harbour.

Putting People First – The Downtown Secondary Plan – The SWOT Workshop report, dated February 1999 summarized the strengths, weaknesses, opportunities and threats identified by downtown stakeholders. Those related to linkages included:

- *Pedestrian-friendly streets and open spaces* – "the most disliked streets include those surrounding the Copps Coliseum / Jackson Square block (which includes sections of Bay and James Streets, and the Eaton's Centre frontage on James St. North. Traffic is heavy, the buildings turn their backs to the street, there is no activity on the street and they are not appealing to pedestrians;
- "Streets which *need to be made more pedestrian-friendly* include ...James Street between King and York, ...Bay Street from the Harbour to Main Street...";
- There were also a number of suggestions for *how to make streets more pedestrian-friendly*, such as making streets "more colourful and animated: bring art into the streets, ...encourage open-air cafes, open up retail to the street... create small green spaces...identify pedestrian-priority streets..."

BARC Discussion Regarding Linkages

The Bay Area Restoration Council (BARC) has a mandate to promote, monitor and assess the implementation of the Hamilton Harbour Remedial Action Plan, and to ensure protection and appreciation of the ecosystem of the harbour watershed. Among with many other areas which BARC addresses, it placed emphasis recently on linkages between downtown and the harbour. The annual BARC Community Workshop was held on February 20, 1999. It was entitled *Harbour Connections: Exploring the Links Between Downtown Hamilton and the Bay.* The workshop attracted a large number of participants, and some of the observations were:

- the most-traveled routes form natural links;
- several points of interest exist along the links, but more greenery is needed;
- the major one-way streets need to be changed to two-way streets;
- safety is a concern, especially for walking and cycling, and the downtown needs to become more bicycle and pedestrian friendly;
- a perimeter road would destroy any links that currently exist;
- there is a large "gap" between downtown and the North End. This gap is the greatest barrier to linking the downtown to the harbour. The challenge is to create links that go through the area but do not bound the area.

The BARC Access Committee meeting, held May 12, 1999, included representatives from CAPIC, BARC and other related groups. The intent was to follow up on the February 20, 1999 BARC workshop, and to prepare recommendations which could be forwarded to the Planning and Development Committee and Council, to request study and actions regarding the main issues identified. The outcome is noted in the following section.

CAPIC Discussion Regarding Linkages

The Central Area Plan Implementation Committee (CAPIC) is a sub-committee of the Planning and Development Committee, established primarily to advise on planning-related matters in the Central Area. The mandate of CAPIC includes the area from the Escarpment to the Harbour, and from Queen Street to Victoria Avenue. CAPIC has been focussing attention on the downtown core recently, including the work its members are involved in with the Downtown Secondary Plan. Issues in the broader Central Area are also considered very important.

At the March 11, 1999 meeting of CAPIC, a sub-committee was formed to identify ways of improving links between the downtown and the Harbour. This ad-hoc committee was established to "review issues, solutions, and develop an action plan for links between Downtown and the Harbour."

This sub-committee of CAPIC on links between Downtown and the Harbour met on March 16 and March 25, 1999, to discuss potential ways of improving pedestrian linkages, especially James and Bay Streets. The sub-committee was established to:

- improve links between downtown and the harbour;
- seek practical implementation measures to improve these links;
- determine whether there are funding programs to help carry out improvements;
- provided recommendations which can be carried out quickly and inexpensively;
- assist in determining how to attract people to come downtown; and,
- help ensure that attractions are provided which are suitable for family outings.

Priorities were identified for the relative importance of corridors. In terms of north-south roadway corridors requiring improvement, the highest priority was assigned to James Street, next to Bay Street, then to Ferguson or John Street. East-west links were also considered important. Bay Street has many sections where greater pedestrian comfort and

amenities can be provided. James Street has many blocks with a lively street atmosphere, and only a few sections which require significant improvement.

The following recommendations were made by this sub-committee for strengthening and improving connections between downtown and the Harbour:

- Pedestrian bridges over CNR tracks at Queen Street, to avoid a long detour around at Barton and Queen, for people walking to Waterfront park;
- A public marina is needed for people to visit the City by boat;
- Attractions for families to go to, especially inexpensive ones;
- If James St. was two-way, it would be easier to gain access to the waterfront.
- An archway to the Harbour would be attractive, at an appropriate location;
- Focal points on both sides of James St. N. at CN Station are desirable, esp. to complement the new development proposed here, namely the nursing home just east of the station. Need for a feature on the west side, at the former beer store.
- In the short-term, improvements could be made to the dirt path on the west side of James St., behind the former beer store, which is a link to the waterfront;
- Should ensure that the open space lands in front of the CN station are kept and maintained as open space, not as a parking lot;
- Flags along the CNR bridges over James Street could provide a gateway treatment, or a point of entry, between the downtown and the waterfront, and would brighten up this rather drab bridge. These flags could have a nautical flavour, possibly with ship's rigging, to indicate proximity to downtown.
- A large board or sign could be placed just north of the CNR bridge on James, on the west side, to provide a list of attractions and a map to guide people, esp. tourists to local attractions;
- Interpretative signage could be placed at key points between downtown and the harbour, to highlight areas of interest;
- Signs to the waterfront could be provided, such as at Bay and Main
- A legend of downtown assets could be prepared, and placed as an information sign in downtown, to direct people to local attractions, such as the Farmer's Market, Library, heritage buildings, etc.;
- A logo for the harbour could be designed and used at key points, and one for the links between downtown and the harbour, as the Gore fountain is for downtown;
- A ferry across the Harbour could be very useful, especially if inexpensive;
- The Two-Way Street Committee could be asked what streets provide important links, in their opinion, and most need conversion to two-way;
- A millennium project could be undertaken by CAPIC to improve James and Bay.

The May 12, 1999 meeting of the BARC Access Committee meeting was a joint meeting with the CAPIC sub-committee on links between downtown and the harbour. The following recommendations were made, as a followup to the February 20, 1999 BARC workshop and the work of the CAPIC sub-committee. The Planning and Development Committee was to be asked to direct staff to undertake the following studies and review:

1. James St. N. – landscaping and signage improvements, and gateway treatment (immediately, without a detailed study);

2. Bay St. N. – study re Main – Bayfront Park – preparation of a plan for pedestrian, cycling and vehicular access; and,
3. Cross streets between James and Bay – to provide better linkages to Waterfront Park, on both sides of railway tracks (Strachan and Stuart Streets).

The Planning and Development Committee and Council were to be asked to direct appropriate other standing committees of Council, and related staff, to undertake these studies and improvements

Possible Special Funding Sources

In addition to municipal budgets which may exist for the studies and improvements, there may also be other funding sources available. There are some special funding programs, such as the Canada Millennium Partnership Program. New application forms and guidelines have recently been released for this program. Staff will be reviewing these to determine whether there is any potential for accessing these funds for the improvement of linkages.

Two-Way Streets

Reintroduction of two-way streets on some or all downtown streets was recommended in various of the studies and initiatives outlined above. Linkages between the downtown and the harbour would be enhanced by the conversion of certain streets from one-way to two-way, such as portions of James and Bay Streets. It is assumed by the CAPIC sub-committee that there may be more two-way streets near downtown in the future, as a result of the broad-based support for such changes.

CONCLUSIONS:

In summary, as a result of the common themes in many of the recent downtown studies, it is recommended that studies be undertaken of linkages between downtown and the Harbour, and that related improvements be carried out. The intent is to improve pedestrian and cyclist connections, especially along James and Bay Streets, and the east-west cross streets between them. This study would consist of:

- James Street North – landscaping and signage improvements, and gateway treatments in the short term, without a detailed study;
- Bay Street North – preparation of a plan for pedestrian, cycling and vehicular access, between Main Street and Bayfront Park; and,
- East-West Streets Between James and Bay Streets – provide better linkages to Bayfront Park, on both sides of CN Railway tracks, on east-west streets such as Strachan and Stuart Streets.

A more detailed work program and budget analysis would have to be prepared by staff to determine how and when these studies will be carried out.

10.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 June 10

REPORT TO: Chairman and Members
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

Nick Catalano
Director
Economic Development

SUBJECT: **Community Improvement Plan to Promote Industrial and Commercial Redevelopment**

RECOMMENDATION:

That the General Manager of the Community Planning and Development Division be authorised and directed to prepare a Community Improvement Plan to promote the redevelopment of industrial and commercial properties in the City of Hamilton.

Lee Ann Coveyduck N. Catalano

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

History

Throughout most older North American cities, the redevelopment of vacant and under-utilised potentially contaminated industrial and commercial properties, or "brownfields" as they are also known, has become an important issue. Brownfields are generally defined as fully serviced, abandoned or underused properties located in urban areas where past activities may have caused real or perceived environmental contamination.

In many cases, these sites exhibit significant redevelopment potential for other uses. There are many reasons why a municipality would like to see such sites redeveloped. These include:

- increased tax assessment and jobs;
- utilisation of existing infrastructure resulting in a cost saving to the municipality for the provision of both hard services (e.g., water and sewer) and soft services (e.g., police and fire protection);
- reduction of urban sprawl;
- contribution toward the revitalisation of a particular area or neighbourhood; and,
- remediation of an environmentally contaminated site.

There are also real and perceived risks and costs associated with brownfield development when compared to greenfield development. These include the liability risks and cost of environmental remediation, and increased development costs as a result of things like demolition.

The Brownfields Task Force has been examining ways to promote the redevelopment of brownfield sites in the Region, including the use of tax incremental financing (TIF). As a result of the work done by the Task Force, on July 9, 1998, Regional Council (ECO98029) recommended that:

a) the Commissioner of Legal Services or his designate be authorised and directed to enter into discussions with the Province of Ontario regarding the use of Tax Incremental Financing as a method of redevelopment in Hamilton-Wentworth;

b) the Acting Commissioner of Finance or his designate be authorised and directed to initiate discussions with the area municipalities regarding the use of Tax Incremental Financing ; and,

c) the Director of the Office of Economic Development or his designate be authorised and directed to work jointly with the private sector Brownfields Task Force on the establishment of a policy and implementation plan for the Hamilton-Wentworth Region.

Tax Incremental Financing (TIF)

Simply defined, TIF is a method of using the future increase in tax assessment on a property to pay for the specific costs associated with the redevelopment of that property. TIF programs have been used in a majority of U.S. states to promote the redevelopment of brownfield properties.

TIF essentially works as follows. First, both the pre-project and post-project property assessments are established and certified. The cost of the environmental clean up and/or demolition becomes debt which is assumed by a financial institution. As the property is

redeveloped, there is an increase in assessment and property tax revenues for that property. The municipality forwards the City/Region portion of the increase to the financial institution until the rehabilitation loan is repaid. Alternatively, the owner of the property is given a grant or rebate by the municipality funded from the increase in property tax revenues (similar to our Tax Incentive Program for Designated Heritage Buildings in the Downtown), and the owner then forwards the grant to the financial institution in repayment of the rehabilitation loan.

Such a TIF program could have many benefits for the municipality. Once the rehabilitation loan has been repaid, usually 5 to 10 years, the municipality collects the full amount of the municipal taxes. There is very little risk to the municipality because it is not directly involved in the acquisition of land, demolition of buildings or environmental cleanup. The municipality would not incur any actual debt because the developer and financial institution finance the entire project. If we consider that without the TIF program, the project would never be initiated and the pre-project assessment would continue to prevail on the property, then there is no actual loss of tax revenue to the municipality.

No other municipalities in Ontario or Canada currently have a TIF program in place to promote the redevelopment of brownfield properties. Several municipalities including London, Toronto, Windsor, Kitchener, Brantford and Hamilton use TIF-like programs to promote facade restoration and downtown rehabilitation. But, the City of Hamilton is on the leading edge and would be the first municipality in Ontario to use such a program for brownfield properties.

Community Improvement Plan

Municipal staff have been discussing the use of TIF with Provincial staff for some time now. The Province has indicated to us that the most appropriate method of implementing a TIF-like program is through the use of a Community Improvement Plan (Section 28 of the Planning Act). Normally, Section 111 of the Municipal Act prohibits "bonusing", and the proposed TIF program certainly falls within the parameters of this section. However, an exception is made in Section 111 (2) of the Municipal Act for municipalities exercising powers under Section 28 (6) or (7) of the Planning Act. Therefore, if the TIF program is part of a Community Improvement Plan, the municipality may make grants or loans to the registered owners and tenants of lands and buildings within a community improvement project area to pay for the cost of rehabilitating such lands and buildings, and this would not be considered "bonusing".

Consequently, municipalities with provisions in their Official Plans relating to community improvement and a designated community improvement project area can use Section 28 of the Planning Act to prepare a Community Improvement Plan. Fortunately, the City of Hamilton Official Plan already contains said provisions and a designated community improvement project area (as shown in Figure 1) that captures the older industrial/commercial areas in the City that contain brownfield properties.

The next step in the process is the preparation of a Community Improvement Plan. Once a Community Improvement Plan has been developed and adopted by the City, and approved by the Province, this would allow the City of Hamilton to implement a TIF-like program to assist registered owners and tenants of brownfield properties.

It is estimated that a Community Improvement Plan could be prepared for adoption by the Fall of 1999. This Plan will be designed as a comprehensive program to address brownfields using a "tool kit" approach. In addition to TIF, other tools already being investigated include:

i) tax collection procedures and remedies;
ii) development charge credits;
iii) a brownfields data base; and,
iv) enhanced procedures to ensure that contaminated properties are remediated to Provincial Guidelines.

The Community Improvement Plan will reference all of these tools and provide a solid framework for their application by the municipality.

Tax Collection Procedures and Remedies

The City of Hamilton Finance Department, in concert with Legal Services, is presently reviewing tax collection procedures and remedies, particularly as they relate to contaminated properties. It is anticipated that a report will be forthcoming on this matter within the next three (3) months recommending the use of all tax collection remedies provided under the Municipal Act, rather than merely the tax sale route when dealing with contaminated sites. The report will further provide recommendations with respect to contaminated properties where the taxes are uncollectable and redevelopment potential has been expressed by third parties.

Development Charge Credits

The City of Cambridge has also passed a by-law which provides a development charge credit on contaminated sites for the expenses incurred when an owner cleans up the site to meet Provincial guidelines. Currently, the City and Region provide a development charge credit to industrial redevelopment projects equal to the square footage of the existing building. For example, if an old industrial building of 50,000 square feet is demolished and a new industrial building of 100,000 square feet is constructed in its place, the developer pays development charges on the difference, i.e., 50,000 square feet. If the new building is the same size or smaller than the one that was demolished, then there is no development charge.

The Regional Development Charge By-Law is currently being reviewed. The new Regional Development Charges Study goes one step further to recommend that development charges for industrial development and redevelopment be completely eliminated. This would assist those redeveloping brownfield properties. If this recommendation is not accepted, then the current exemption for industrial redevelopment sites should remain because it is designed to encourage the redevelopment of older industrial buildings. Again, any development charge credits or exemptions for brownfield properties will form part of the Community Improvement Plan.

Brownfields Data Base

In order to determine the number and location of vacant and under-utilised industrial properties in the City of Hamilton, the Economic Development Department has employed a GIS mapping system to create an inventory of vacant industrial sites. During the past year, staff have contacted all of the owners of these properties to determine their willingness to sell their properties for the purposes of redevelopment. While some of the smaller property owners indicated a willingness to sell, many of the larger property owners did not. This may be related to liability issues and clean up costs due to the perceived or actual environmental condition of these sites. The tools in the Community Improvement Plan will be designed to help owners to overcome these obstacles.

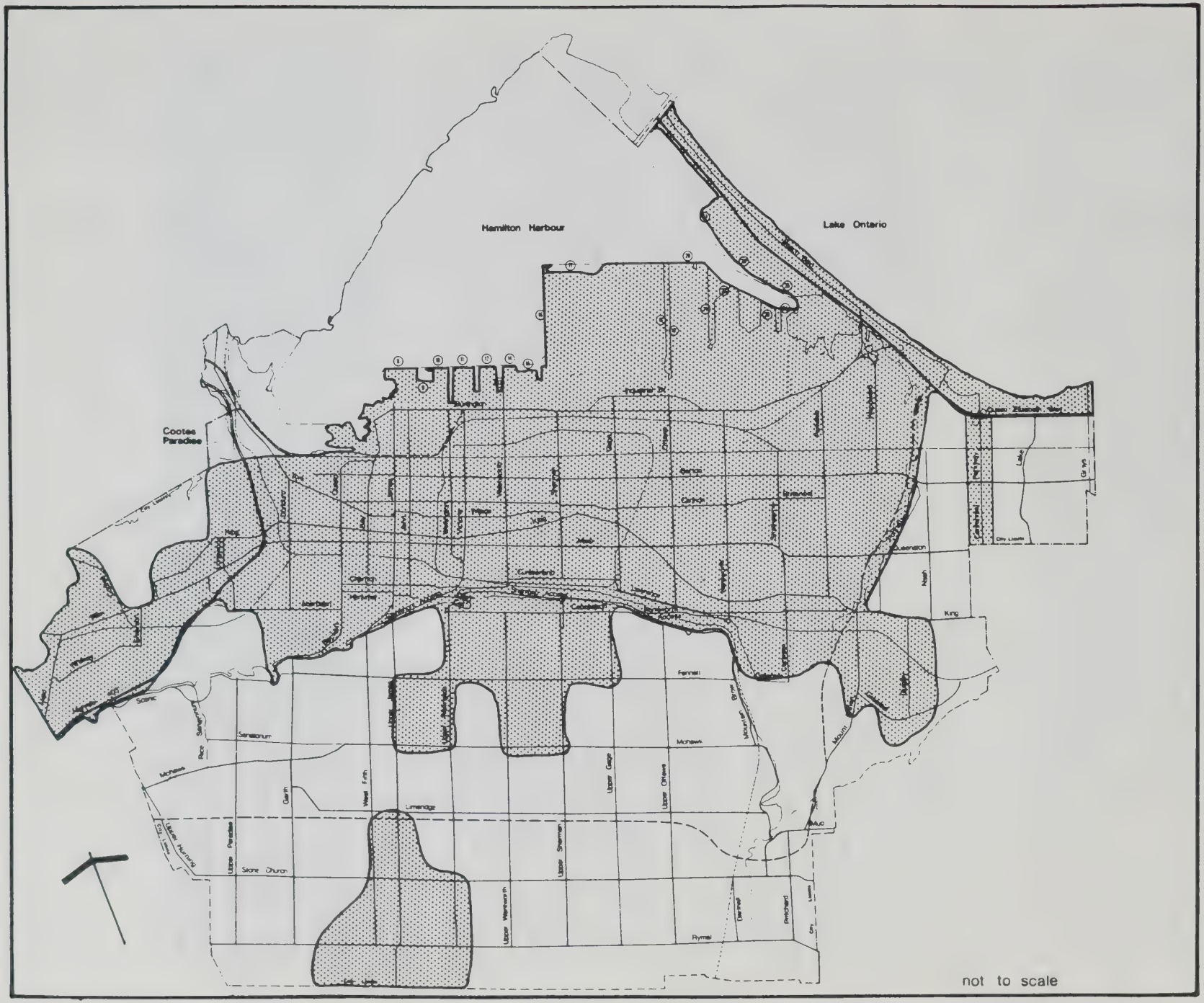
The brownfields data base requires updating and expansion to include not only vacant, but also under-utilised sites. Once the data base has been updated, it can be used to identify properties that are eligible for application of the various tools in the Community Improvement Plan such as TIF, tax remedies and development charge exemptions/credits. Therefore, this data base will also play an important role in the Community Improvement Plan.

Conclusion

The redevelopment of brownfield properties is one of the key issues facing the City of Hamilton. Due to its industrial heritage, there are a large number of vacant and under-utilised industrial properties in the City of Hamilton. As described in this report, the City has been addressing this issue on several fronts. Preparation of a community improvement plan as recommended above, is the first step required to co-ordinate and implement the various initiatives being explored. The Community Improvement Plan would provide a framework to promote the redevelopment of brownfield properties in the City of Hamilton.

:LAC
Attach.

FIGURE 1 Communit mprovement Project Area



community improvement areas

legend

community improvement areas

schedule H

to the official plan for city of hamilton

JUNE 30,1990

11.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 June 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Funding for the Tax Incentive Program for Downtown Commercial/Industrial Buildings Designated under the Ontario Heritage Act (PDC99030)

RECOMMENDATION:

That approval be given to funding the Tax Incentive Program for Designated Heritage Buildings in the Downtown with an upset budget limit of $250,000 per year for ten years, subject to approval of the method of financing.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The annual budget of $250,000 is based on an estimate of the funding required for the vacant Lister Block (estimated at $100,000 per year) for the vacant Victoria Hall/McKay Building (estimated at $30,000 per year), and the remaining ten eligible buildings, all of which are currently in use, and therefore expected to realize more modest tax increases resulting from architectural restoration. Funding of $50,000 for this program was approved in the 1999 Capital Budget, Restore-the-Core-Hamilton Downtown Improvement Program. A Reserve Account will be established for this purpose.

Implementation of the Tax Incentive Program will result in a long-term increase of tax revenues and a positive economic spin-off for the Downtown.

BACKGROUND:

On 1999 April 13 City Council approved the Tax Incentive Program for Designated Heritage Buildings located within Hamilton's Downtown. The Tax Incentive Program provides for an annual rebate equal to the City's and Region's portion of the tax increase resulting from the restoration of the eligible historic commercial/industrial buildings in the Downtown. This tax increase represents the differential between the pre-renovation assessment and the post-renovation assessment.

The purpose of the Tax Incentive Program is to provide an economic catalyst to property owners and/or developers for restoring and rehabilitating the City's most significant Downtown buildings. Renovation of historic commercial buildings represents a major component in Hamilton's Downtown Revitalization Program.

On 1999 April 27 City Council approved extending the time frame for the annual rebate from a five-year period to a ten-year period. Council directed staff to report back regarding possible methods of financing.

The Finance Department has prepared a report on the method of financing for the Finance & Administration Committee which has been copied to the Planning & Development Committee for information.

Once the method of financing the Tax Incentive Program has been determined, Council has directed staff to proceed with an amendment to the Downtown Hamilton Community Improvement Plan for approval by City Council and the Province (Minister of Municipal Affairs).

The Tax Incentive Program will be reviewed after a five-year period to assess whether new applications will continue to be accepted. In accordance with the Program's conditions, participants prior to closing will receive the rebates for the full ten-year period or until the total rebate equals the cost of restoration.

:NC

cc: A. Ross, General Manager, Finance
cc: S. Reeder, Secretary, Finance & Administration Committee - For Information

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, June 23, 1999
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held May 19, 1999

B. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT DIVISION

(i) Demolition – 370 Upper Horning Road

(ii) Demolition – 12 Nelson Street

(iii) Revised Conditions of Draft Plan of Condominium Approval – CDM-CONV-98-003 - 75 Glenburn Court

(iv) "The Gardens of Rymal – Phase 5 and 6", Hamilton, (Cash Payment in Lieu of 5% Parkland Dedication)

(v) Site Plan Control Application DA-99-22, by Jadwiga Weiss, owner, for lands at 1800 King Street East.

(vi) Part Lot Control Application 99-04, Samuel Guerriero, owner, to Remove Part-Lot Control – Block 19, Registered Plan 62M-829, "Eagleview Estates, Phase 1".

(vii) Request for Revised Draft Plan of Condominium – 400 York Boulevard.

(viii) Request for a further one year extension for the approval of Site Plan Control Application DA-95-21 for an addition to the existing development for St. Peter's Hospital, 88 Maplewood Avenue.

C. **GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION**

(i) Community Heritage Trust Program – 256 MacNab Street North

(ii) Community Heritage Trust Program – 258 MacNab Street North

(iii) Downtown Convert/Renovate-to-Residential Loan Program & Core Heritage 2000 Program, 129 Rebecca Street

(iv) Commercial Property Loan Improvement Program – Loan Increase, 415 Barton Street East

D. **SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Nomination for Ontario Heritage Foundation's Annual Heritage Community Recognition Award

E. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, May 19, 1999
Room 233, City Hall
9:30 o'clock a.m.

A.

The Planning and Development Committee met.

There were present:	Alderman G. Copps, Vice-Chairperson Alderman F. Eisenberger Alderman M. Caplan Alderman R. Corsini Alderman B. Kelly Alderman F. Eisenberger Alderman D. Haining
Regrets:	Alderman F. D'Amico, Chairperson (Other Business) Mayor R. Morrow (Civic Business) Alderman B. Charters (Civic Business)
Also present:	Alderman A. Horwath Alderman M. Kiss Alderman T. Jackson LeeAnn Coveyduck, General Manager, Community Planning and Development Division Guy Paparella, Director, Planning and Development Victor Abraham, Director, Planning and Development Paul Mallard, Planning and Development Department Bill Janssen, Planning and Development Joanne Hickey Evans, Planning and Development Christine Lee mOrrisson, Planning and Development Steven Robichaud, Planning and Development Art Zuidema, Solicitor, Corporate Counsel Ron Szabo, Corporate Counsel Peter Lampman, Building Department Ed Switinky, Public Works and Traffic Eugene Chajka, Community Planning and Development Division Stella Glover, Legislative Assistant Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

1. **Zoning Application 99-08, by Visplar Holdings Ltd., owner, for a modification in zoning to the established "D" District and "D" – 'H' District for lands located at 1062 and 1088 Upper Paradise Road.**

   Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

   Al Fletcher of A.J. Clarke and Associates was present on behalf of the appplicants.

   Paul Mallard summarized the report for the Committee.

   Of 7 notices circularized, 2 replied in favour and one opposed.

As recommended in a report from the General Manager, Community Planning and Development Division, dated May 4, 1999, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application ZAC-99-08, Visplar Holdings Limited (E. LeBerge), owner, for a modification in zoning to the established "D" (Urban Protected Residential – One and Two Family, etc.) District (Block "1") and "D" – 'H' (Urban Protected Residential – One and Two Family, etc. - Holding) District (Block "2"), for lands known municipally as 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That Subsection 7. of Zoning By-law No. 98-210 be repealed in its entirety and replaced with the following:

"That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "4" and "5" referred to in Sections 1.(a) and (b), be modified to include the following variances as special requirements

(a) for a dwelling with a detached garage, then the following provisions shall apply:

(1) that notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:

(i) a front yard of a depth of at least 4.5 metres to the main wall of the dwelling shall be provided and maintained;

(2) that every roofed-over and unenclosed front porch shall have a minimum width of 3.0 metres and a minimum depth of 2.0 metres for every single family dwelling and two family dwelling;

(3) that notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, a roofed-over porch shall be setback at least 2.0 metres from the front lot line;

(4) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a single family dwelling one side yard of at least 0.9 metres and one side yard of at least 2.8 metres shall be provided and maintained;

(5) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a two family dwelling a side yard of at least 2.8 metres shall be provided and maintained;

(6) that in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained in the rear yard for each single family dwelling;

(7) that for every single family dwelling and two family dwelling, one of the required parking spaces shall be provided and maintained in a detached garage;

(8) that notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;

(b) for a dwelling with an attached garage, then the following provisions shall apply:

(1) that notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:

(i) a front yard having a depth of not less than 4.5 metres to the main wall of the dwelling shall be provided and maintained; and,

(ii) a front yard having a depth of not less than 6.0 metres to the garage or carport shall be provided and maintained;

(2) that every roofed-over and unenclosed front porch shall have a minimum width of 3.0 metres and a minimum depth of 2.0 metres for every single family dwelling and two family dwelling;

(3) that notwithstanding Section 18.(3)(vi)(d) of Zoning By-law No. 6593, a roofed-over porch shall be setback at least 2.0 metres from the front lot line;

(4) that notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;"

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as amended by By-law No. 98-210, as Schedule S-1405b, and that the subject lands on Zoning District Map W-37D be notated as S-1405b;

(iii) That the Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council; and,

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. Request for an Amendment to the Official Plan – 649 Pritchard Road.

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Joanne Hickey Evans summarized the report for the Committee. She also advised that the by-law be held in abeyance pending discussions with the land owners over a proposal to remove the cul-de-sac.

Of 6 notices circulated, 2 replied in favour and 2 opposed.

Fred Fayber of 655 Pritchard Road was opposed to the amendment because the deletion of a road will landlock property which he owns and also because he is concerned with the storm water run off which is presently a problem in heavy rains. He suggested that the area not be developed prior to sewers being installed.

Shamshad Kurd of 601 Pritchard Road was also opposed and stated his concern regarding run-off onto his property. He stated that sewers must come prior to development.

Mr. Chajka advised that issues are to be addressed through the site plan process and that Neighbourhood Plan approval is also required.

Alderman Jackson advised that the City is awaiting the development of an adjacent property in order to extent the sewer lines. He commended the applicant for expanding his business in this area and also commended staff on their recommendation.

As recommended in a report from the General Manager, Community Planning and Development Division, dated April 30, 1999, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 161, to establish a Special Policy Area to permit an industrial use within 90 m of existing residential uses, for property located at 649 Pritchard Road, as shown on the attached map marked as Appendix "B"; and,

(b) That the General Manager, Community Planning & Development Division be authorized and directed to prepare a by-law of adoption, to the satisfaction of the Corporate Counsel, for submission to the Region of Hamilton-Wentworth; and,

(c) That the by-law of adoption not be forwarded to Council until the Chairman of Planning and Development Committee and the Ward Alderman have signed the report approving Site Plan Control application DA-99-01 for the subject lands, including an amendment to the Neighbourhood Plan for the East Mountain Industrial Business Park to delete the proposed cul-de-sac running easterly from Pritchard Road.

3. **Proposed Official Plan Amendment No. 159, by 822827 Ontario Inc., owner (c/o Anthony DiSilvestro) – west side of Upper Wentworth Street, north of Rymal Road East.**

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Joanne Hickey Evans gave a summary of the planning report.

Of 74 notices circulated, 14 replied in favour and none opposed.

Brenda Khes of May Pirie Dakin and associates was present on behalf of the applicant. She introduced the president of Oakwood Retirement Community Homes to the Committee. She stated that the application is before the Committee because the development exceeds one acre in size.

She stated that the philosophy is to locate the home in an active area close to amenities and transportation routes. She showed the Committee a development concept. With regard to concerns from neighbours about the parking, Ms Khes said that the developer will increase the landscaping two fold from 1.5 metres to 3 metres and also provide a continuous hedge along an existing wooden fence.

Rick Goodman, gave a summary regarding traffic volume on behalf of the applicant. He stated that parking on site will be minimized a result of the fact that there are 3 shifts and that he estimates half of the people will use public transit, while some others will be dropped off or car pool. Deliveries will be during the day.

Richard Hammond, architect, gave a review of the design of the building.

Alderman Kelly stated that this is a practical use of land and will enhance the neighbourhood. The design is a community within a community.

As recommended in a report from the General Manager, Community Planning and Development Division, dated April 30, 1999, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 159 to redesignate the subject lands from RESIDENTIAL to MAJOR INSTITUTIONAL on Schedule "A" – Land Use Concept, to permit the development of the lands on the west side of Upper Wentworth Street, north of Rymal Road East for a 120 bed nursing home, as shown on the attached map marked as Appendix "C"; and,

(b) That upon finalization of the Official Plan Amendment, the subject lands be redesignated from "Medium Density Apartments" to "Civic and Institutional" in the approved Barnstown Neighbourhood Plan; and,

(c) That the General Manager of the Community Planning and Development Division be authorized and directed to prepare a by law, to the satisfaction of Corporate Counsel, for submission to the Region of Hamilton-Wentworth.

4. Final Report of the McMaster University Area Neighbourhood Task Force

Barry Bender, Chairman of the Sub-Committee was present to give a review of the recommendations.

Alderman Caplan thanked the members of the Committee and staff for their acceptional work.

Alderman Kiss concurred and added that it has been a long and committed process.

Mr. Lampman advised that the next step is for the present Sub-Committee to act as the implementation Committee and bring back individual recommendations to the Standing Committees.

As recommended in a report from the Secretary, McMaster University Area Neighbourhood Task Force, dated April 15, 1999, the Committee approved the following:

a) That the Planning and Development Committee authorize the McMaster University Area Neighbourhood Task Force to continue to meet as a sub-committee of the Planning and Development Committee on an interim basis until the Plan Implementation Sub-Committee is formed;

b) That the Report and Recommendations of the McMaster University Area Neighbourhood Task Force be received by the Planning and Development Committee;

c) That the Report and Recommendations of the McMaster University Area Neighbourhood Task Force be forwarded to the Plan Implementation Committee for action.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

5. Kentley Neighbourhood Plan Review – lands located at 505 to 537 Queenston Road.

Prior to this Public Meeting, Alderman Copps advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at the Public Hearing.

Christine Lee Morrison, Gave a review of the staff recommendation.

Joseph Palletta of 531 Queenston Road stated that he has been operating his establishment from the same location since 1971 and has only now received an order to comply. He asked why, and also what is involved in the process.

Peter Lampman advised that zoning by-law violations are investigated on a complaint basis.

In response to a question from Alderman Haining, Ms. Lee-Morrison explained that the establishments will be required to meet parking and design guidelines through site plan control. She also stated that the process will take approximately 4 months.

As recommended in a report from the General Manager, Community Planning and Development Division, dated April 29, 1999, the Committee recommended to Council as follows:

(a) That Land Use Option 3b Mixed Uses – Commercial Conversions and Dwellings, as outlined in this report, be endorsed as the land use option for the subject lands, shown on the attached map marked as Appendix "D"; and,

(b) That the Community Planning and Development Division be directed to undertake the appropriate Official Plan Amendment, Neighbourhood Plan Amendment (including Design Guidelines) and Rezoning to implement Option 3b Mixed Uses – Commercial Conversions and Dwellings.

6. REFERRAL FROM COUNCIL

Correspondence respecting the Hamilton Harbour Commissions' Land Use and Development Bylaw

This item was deferred to later in the meeting.

7. DELEGATIONS

Jim Gates re: 124 Walnut Street South

Mr. Gates was before the Committee to request that his property located at 124 Walnut Street south be included in the downtown area for the purpose of fee exemptions.

Paul Mallard advised that a report regarding a review of the "Downtown Open for Business" policy is coming to the July, 199 meeting of the Planning and Development Committee since the program end in December, 1999.

Alderman Horwath suggested that the review include all City initiatives.

The Committee moved to receive the information from the delegation.

8. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Intent to Designate Auchmar Estate, 88 Fennell Avenue West under the Ontario Heritage Act

Submissions: a) Terrence A. Whelan on behalf of the Sisters of Social Service – request for tabling

b) Letter of Support from the Hamilton Historical Board

c) Letter of Support from the Southam Area Association

The Committee resolved that the matter be tabled to the next regularly scheduled meeting of the Planning and Development Committee.

9. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

Minutes of the meeting held May 3, 1999

The Minutes of the meeting held May 3, 1999 were approved as circulated.

The following recommendations were forwarded to Council for approval:

B. GENERAL MANAGER, SOCIAL AND PUBLIC HEALTH SERVICES DIVISION

Core Heritage 2000 Program, 46 Ferguson Avenue South, dated May 3, 1999:

That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of $2,198 to Radigan Bros. Ltd., registered owners of 46 Ferguson Avenue South, be approved, subject to an encroachment agreement with the City of Hamilton being executed.

C. GENERAL MANAGER, COMMUNITY PLANNING AND DEVELOPMENT DIVISION

(i) **Authorization for Staff Attendance at an Ontario Municipal Board Hearing – 70 Emerald Street South dated April 28, 1999:**

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99-34, respecting property located at No. 70 Emerald Street South, as shown on attached map marked as Appendix "E".

(ii) **Authorization for Staff Attendance at an Ontario Municipal Board Hearing – 109 Emerson Street dated April 28, 1999:**

That the appropriate staff (e.g. Legal Services and Community Planning and Development) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-99:40, respecting property located at No. 109 Emerson Street, as shown on attached map marked as Appendix "F".

(iii) **Proposed Site Plan Control By-Law – 111 Traymore Avenue dated April 28, 1999:**

(a) That Schedule "A" to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding the lands located at No. 111 Traymore Street (as enlarged by severance application B-98-6), as shown on the attached Appendix "G"; and,

(b) That the General Manager of Community Planning and Development be directed to prepare the necessary By-law, to amend By-law No. 79-275, in a form satisfactory to Corporate Counsel, for presentation to City Council.

(iv) **Site Plan Control Application DA-99-09, by Hamilton First Church of the Nazarene, owner, for lands located at 92 Ottawa Street North dated May 4, 1999:**

That approval be given to Site Plan Control Application DA-99-09, Hamilton First Church of the Nazarene, owner of lands located at 92 Ottawa Street North, to permit a 121 m^2 (1,305 sq.ft.) 1 storey addition onto the existing church, comprised of a new entrance lobby, pastor's office, multi-purpose room and handicap accessible washroom, as shown on the attached map marked as APPENDIX "H", subject to the following:

(a) modification to the plans in relation to notes and dimensions, as marked in red on the plans;

(b) submission of a revised landscaping plan and grading plan to the satisfaction of the General Manager, Community Planning and Development Division;

(c) the applicant paying all costs associated with the removal and replacement of the two Locust trees in the municipal road allowance;

(d) the applicant entering into an encroachment agreement with the City of Hamilton for that portion of the existing building and guardrail that encroach into the public assumed alleyway at the rear of the subject lands; and,

(e) the applicant entering into an encroachment agreement with the Region of Hamilton-Wentworth for the existing curb around the planter that encroaches into the Ottawa Street North road allowance.

D. <u>COMMISSIONER OF PUBLIC WORKS AND TRAFFIC</u>

King Street West BIA – Board of Management and Budget and Schedule of Payments for 1999 dated May 5, 1999:

(a) That the following individuals be appointed to the King Street West B.I.A.'s Board of Management :

Catherine Sennett	300 King St. W., Small Talk Clothing Co. Owner/Tenant
Trudy Parsons	306 King St. W., Keyin College, Tenant
David Vukmanich	216-220 King St. W., Owner
Mark Milligan	246 King St. W., Owner/Tenant
Michael Zaccaria	290 King St. W., Owner/Tenant
Alderman A. Horwath	Ward 2
Alderman R. Corsini	Ward 2

(b) That the 1999 operating budget for the King Street West B.I.A., attached hereto as appendix "I", be approved in the amount of $2,800; and,

(c) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (b) above; and,

(d) That the following payment for 1999 be approved:

May 26 $2,800.00

E. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Heritage Permit – 176 Delaware Avenue dated May 11, 1999:

That a Heritage Permit be approved for a two-storey rear addition, as shown on the elevation plans attached hereto as Appendix "J", to the single-family house at 176 Delaware Avenue, located in the St. Clair Boulevard Heritage Conservation District.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item

The Committee approved the previously received information item as follows:

General Manager, Community Planning and Development Division re: Approved Site Plan Control Application dated April 29, 1999

10. OTHER BUSINESS

Alderman Kelly stated his concern over decaying fences surrounding residential developments.

6. REFERRAL FROM COUNCIL(cont'd)

Correspondence respecting the Hamilton Harbour Commissions' Land Use and Development Bylaw

The Committee adjourned to closed session to review the abovenoted correspondence and reconvened immediately thereafter with no report.

11. ADJOURNMENT

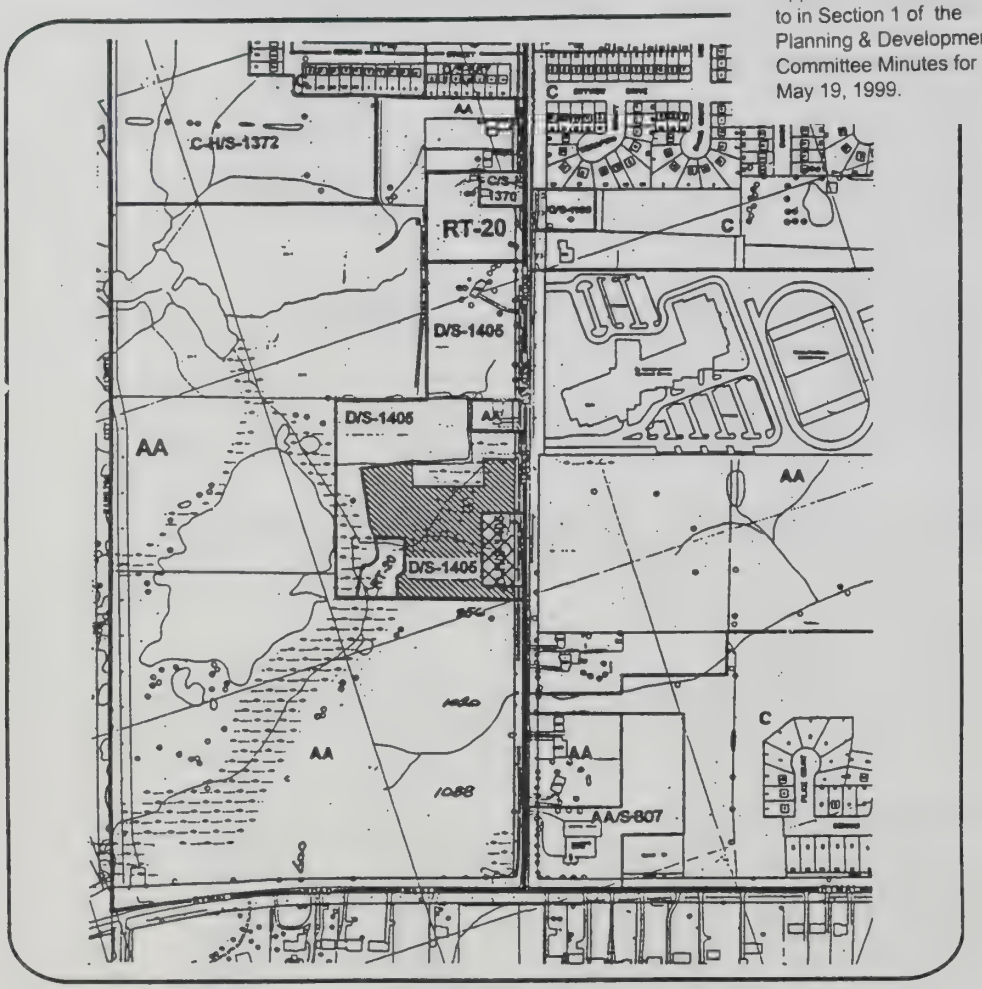
There being no further business the Committee meeting adjourned.

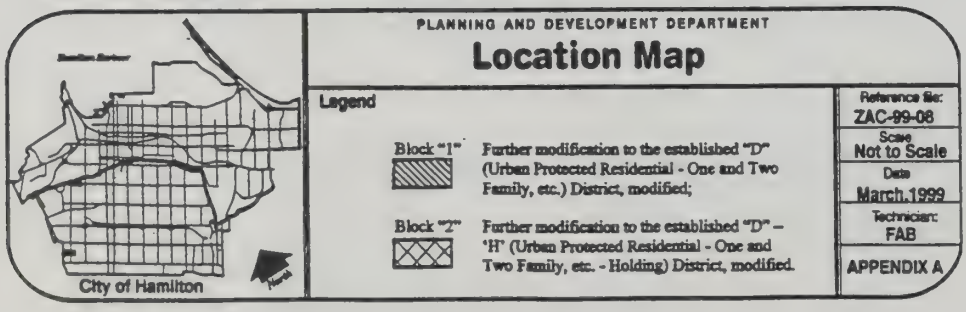
Taken as read and approved.

Alderman G. Copps
Vice Chairman
Planning and Development Committee

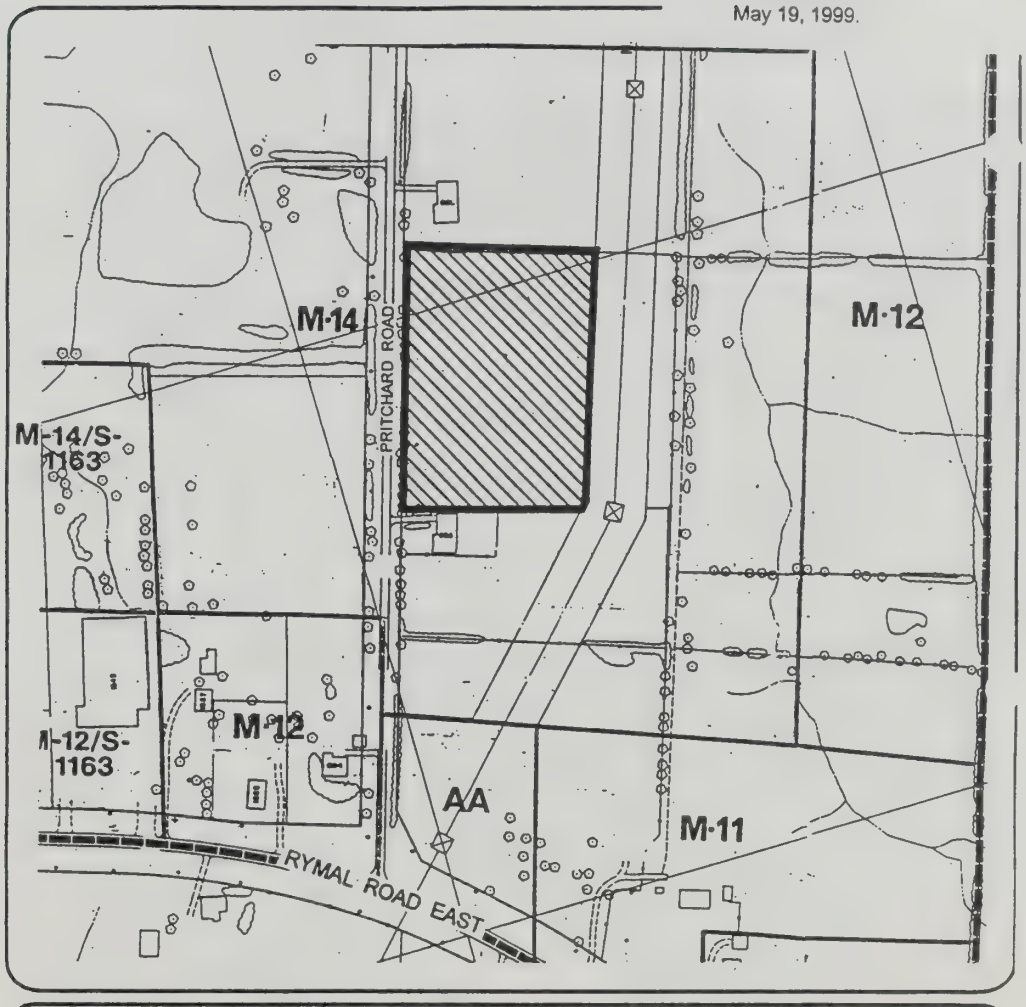
Tina Agnello
Secretary
/ta

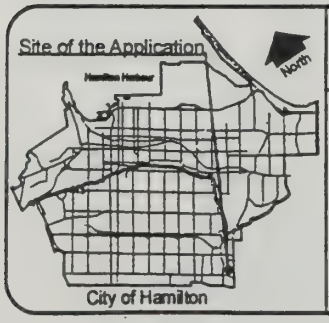
Appendix "A" referred to in Section 1 of the Planning & Development Committee Minutes for May 19, 1999.





Appendix "B" referred to in Section 2 of the Planning and Development Committee Minutes for May 19, 1999.





PLANNING AND DEVELOPMENT DEPARTMENT

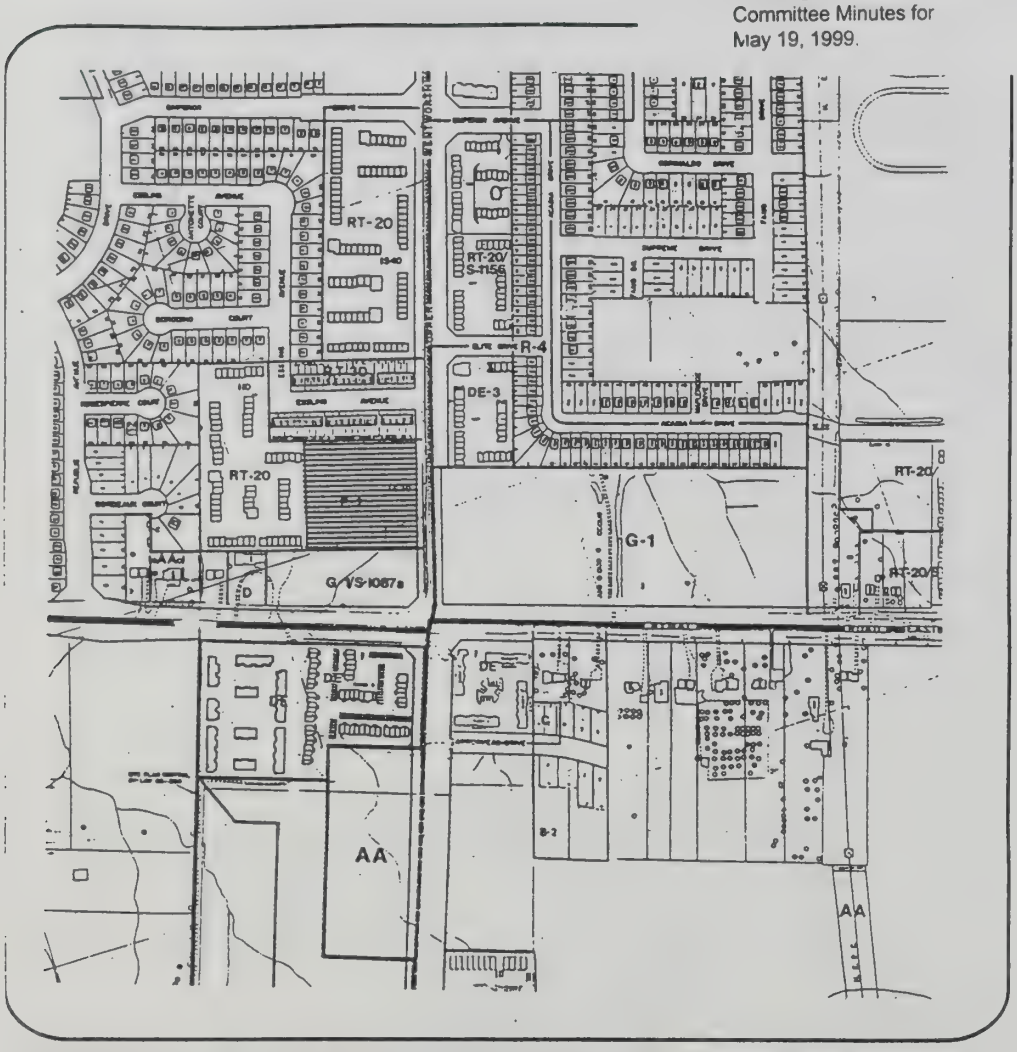
Location Map

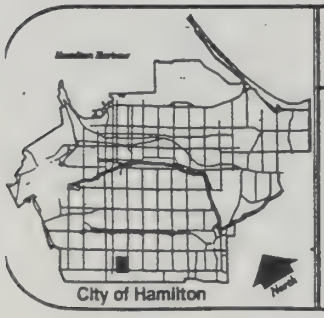
Legend

Site of the Application

Reference file:	OPA 161
Scale	Not to Scale
Date	March, 1999
Technician:	B. B.
	APPENDIX ' '

Appendix "C" referred to in Section 3 of the Planning and Development Committee Minutes for May 19, 1999.





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

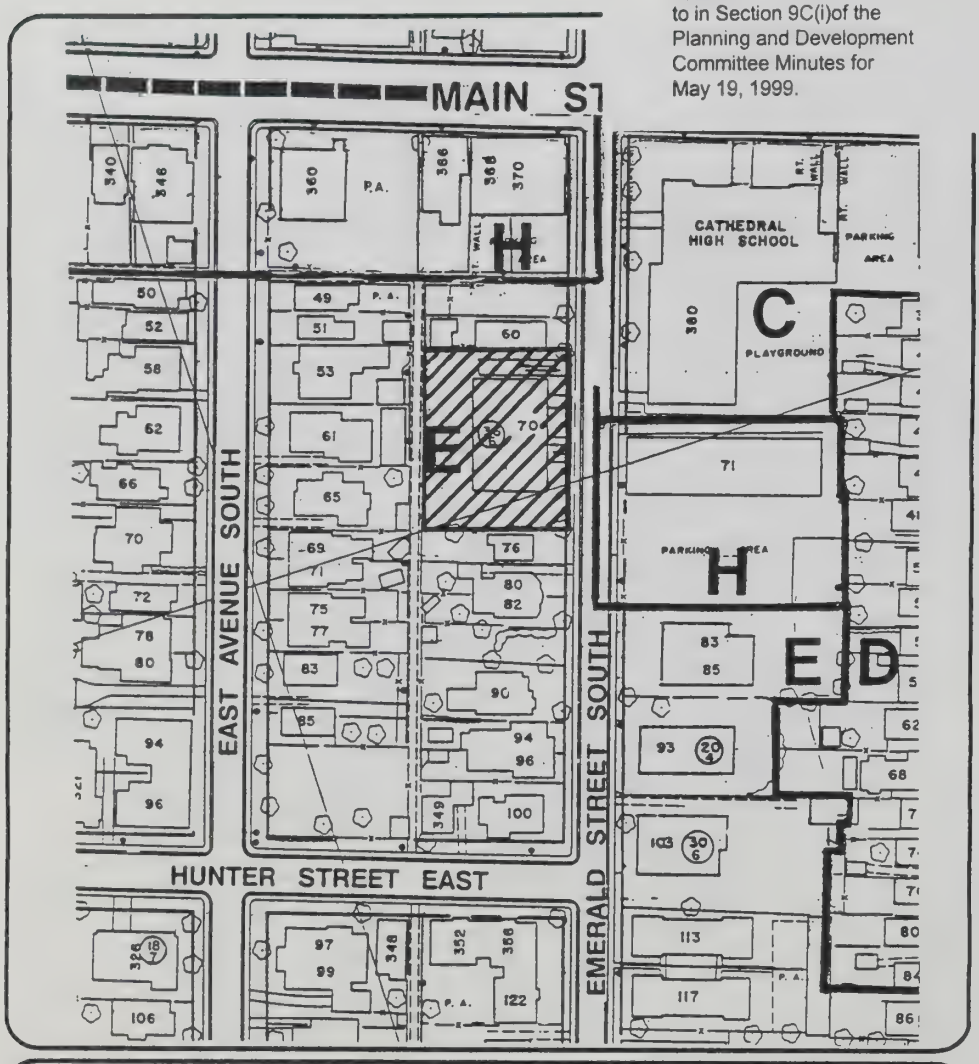
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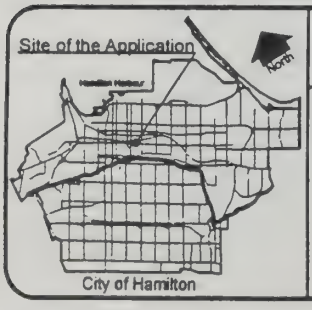
Site of Application

Reference file:	OPA-159
Scale	Not to Scale
Date	February,1999
Technician:	FAB
	APPENDIX A

Appendix "D" referred to in Section 5 of the Planning and Development Committee Minutes for May 19, 1999.

Appendix "E" referred to in Section 9C(i)of the Planning and Development Committee Minutes for May 19, 1999.





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

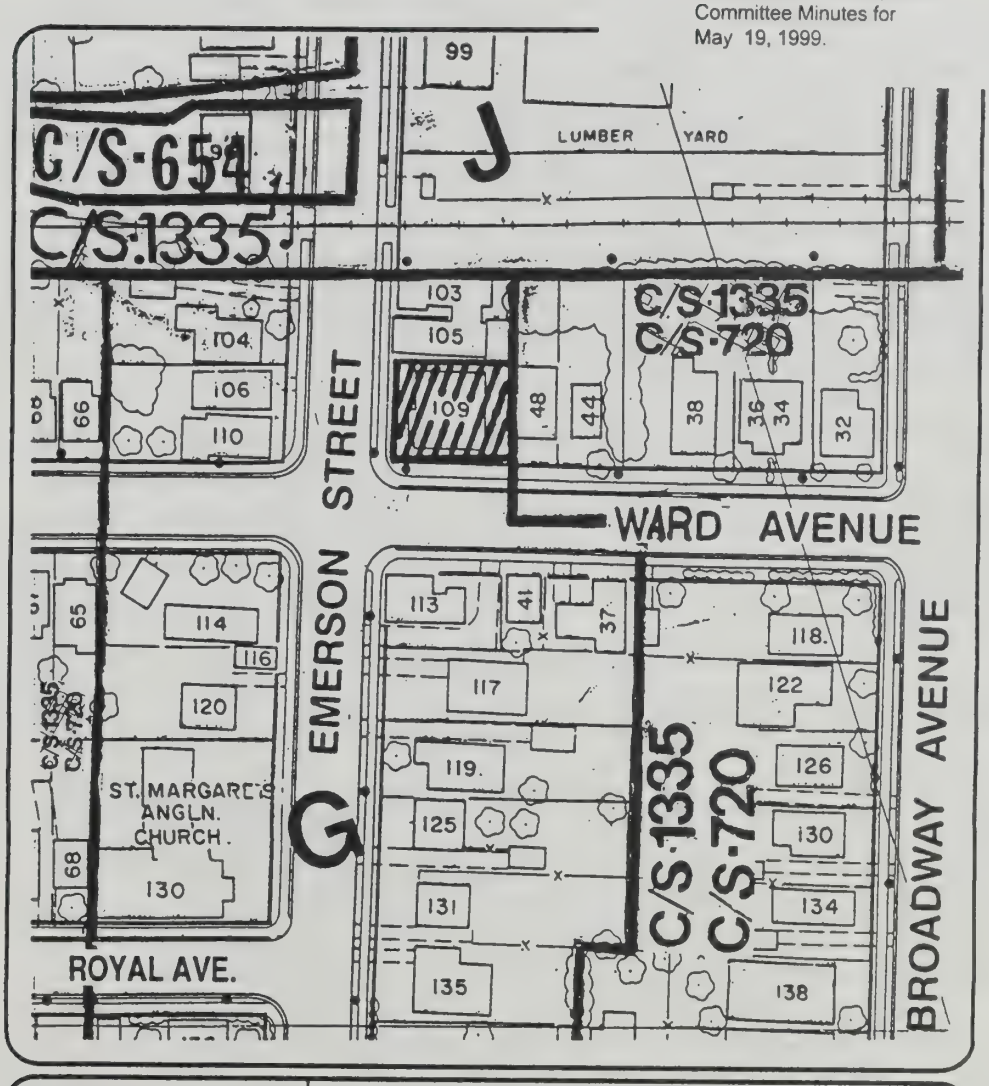
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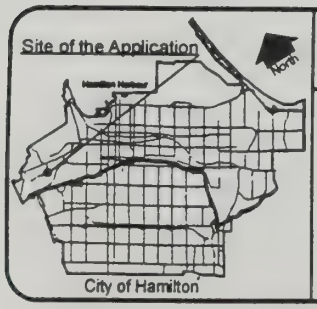
Site of the Application

Reference file	A-99:34
Scale	Not to Scale
Date	March,1999
Technician:	B. B.

APPENDIX " "

Appendix "F" referred to in Section 9C(ii) of the Planning and Development Committee Minutes for May 19, 1999.





PLANNING AND DEVELOPMENT DEPARTMENT

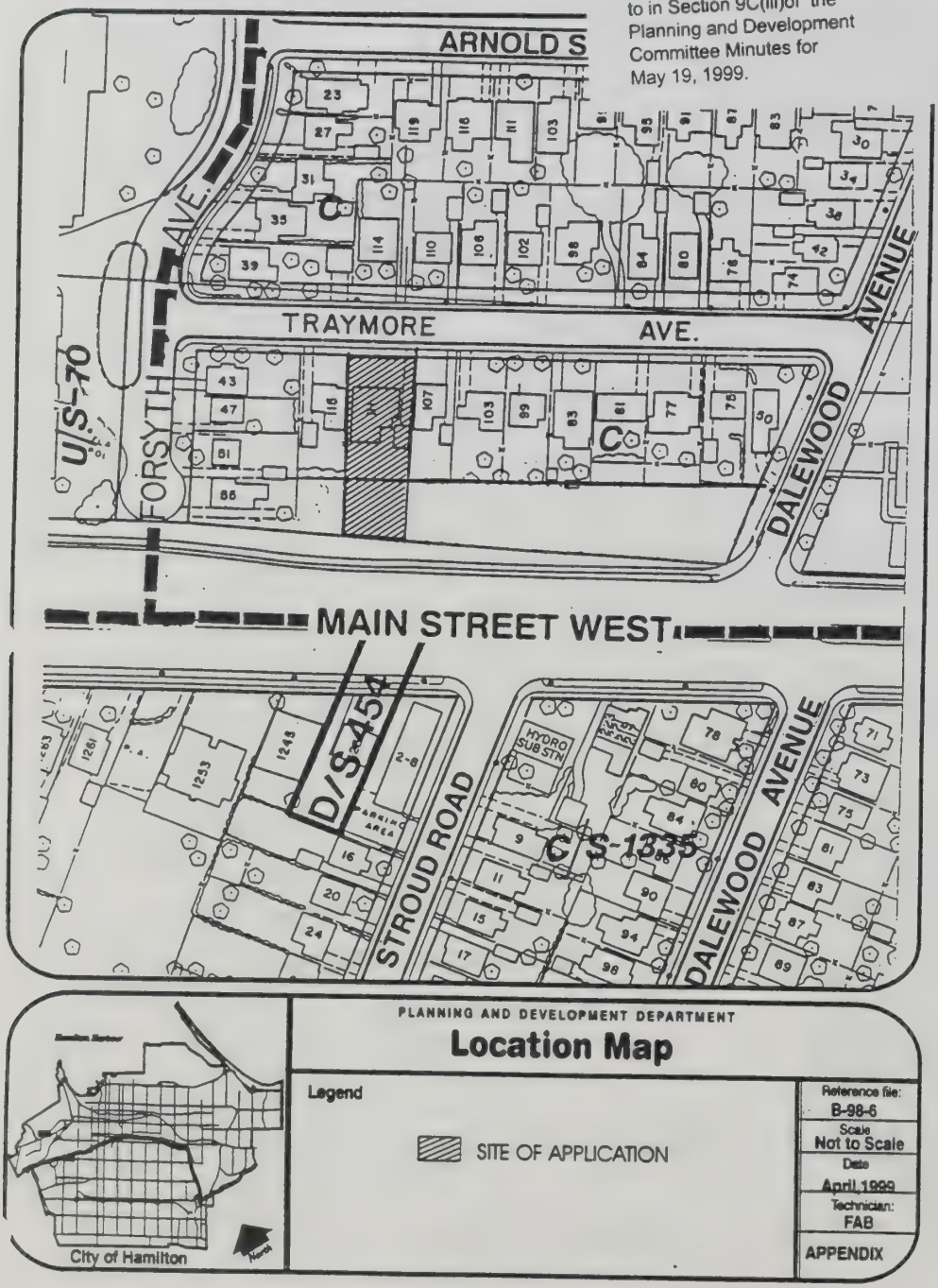
Location Map

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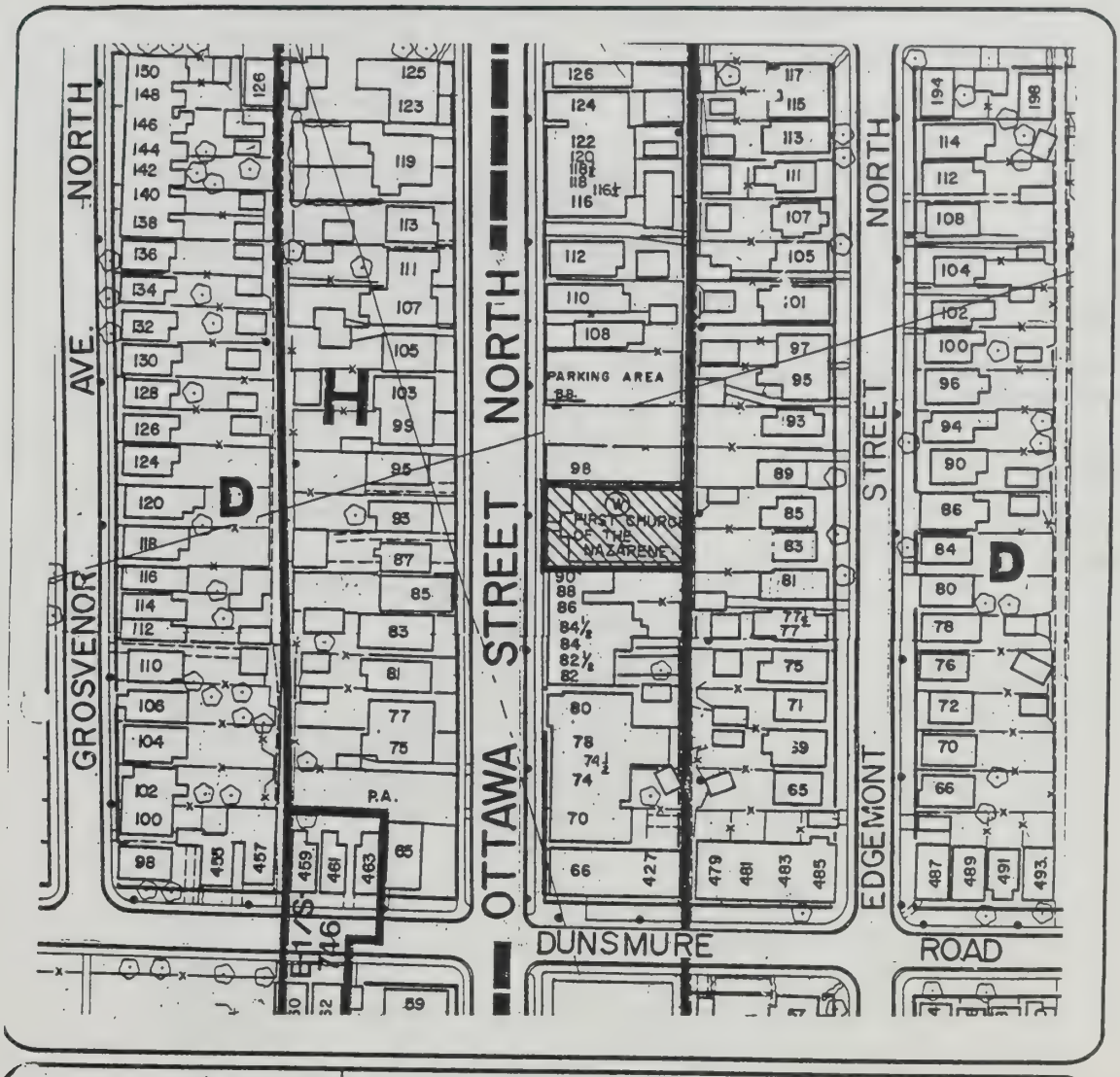
Site of the Application

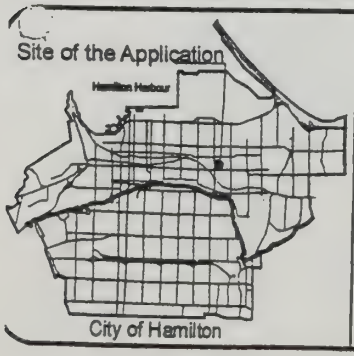
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Scale	Not to Scale
Date	March,1999
Technician	B. B.
	APPENDIX ' '

Appendix "G" referred to in Section 9C(iii)of the Planning and Development Committee Minutes for May 19, 1999.



Appendix "H" referred to in Section 9C(iv) of the Planning and Development Committee Minutes for May 19, 1999.





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

Reference file: **DA-99-09**

Scale: **Not to Scale**

Date: **February, 1999**

Technician: **B. B.**

North

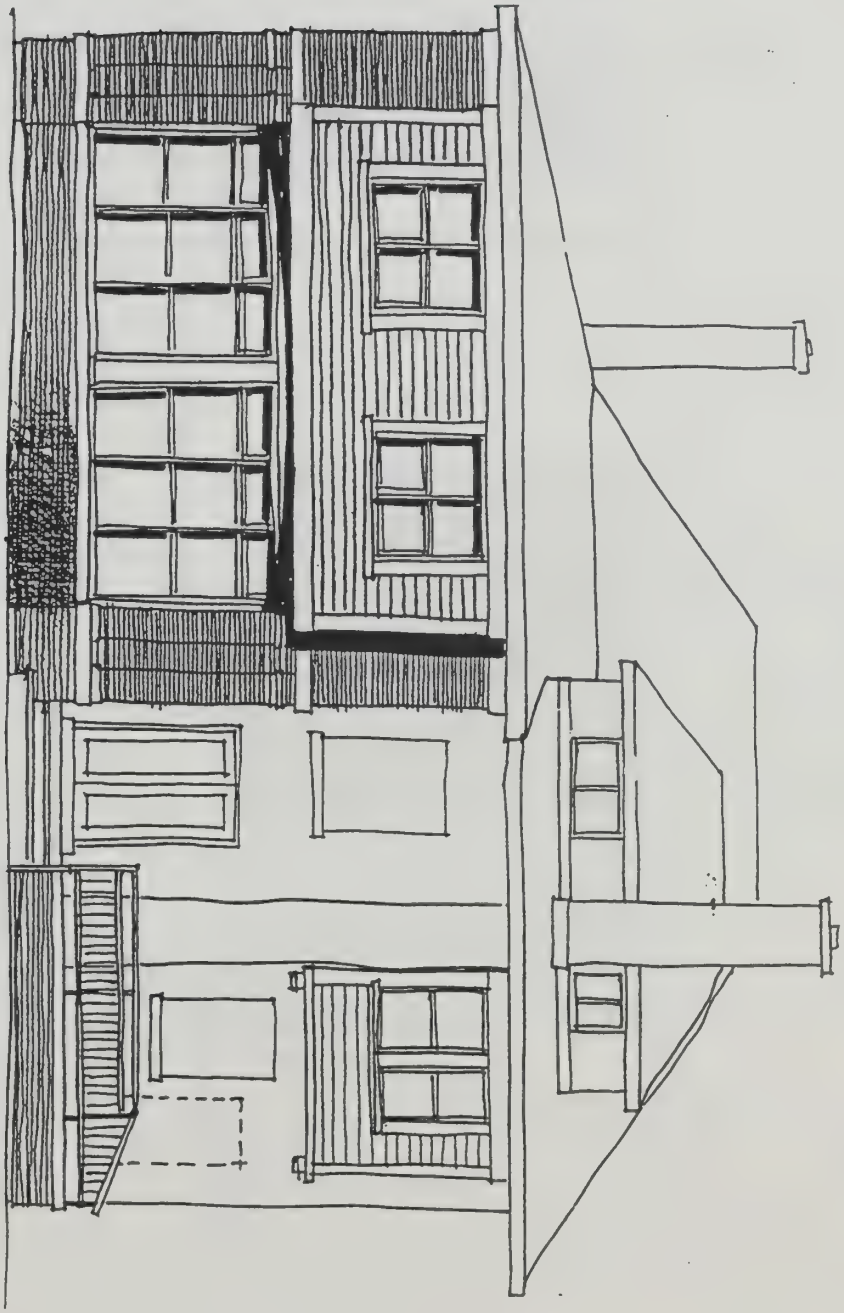
Appendix "I" referred
to in Section 9D of the
Planning and Development
Committee Minutes for
May 19, 1999.

KING STREET WEST PROPOSED BUDGET FOR 1999

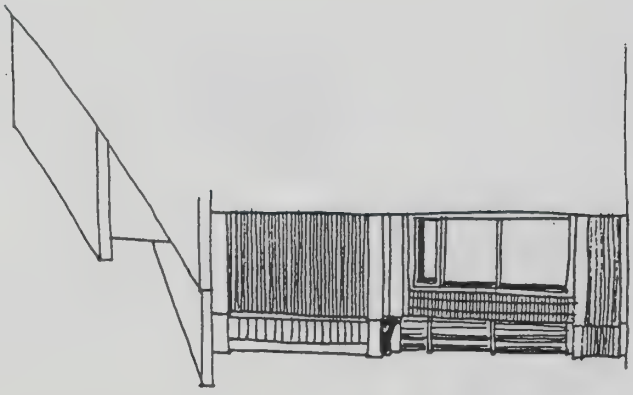
Expenses:

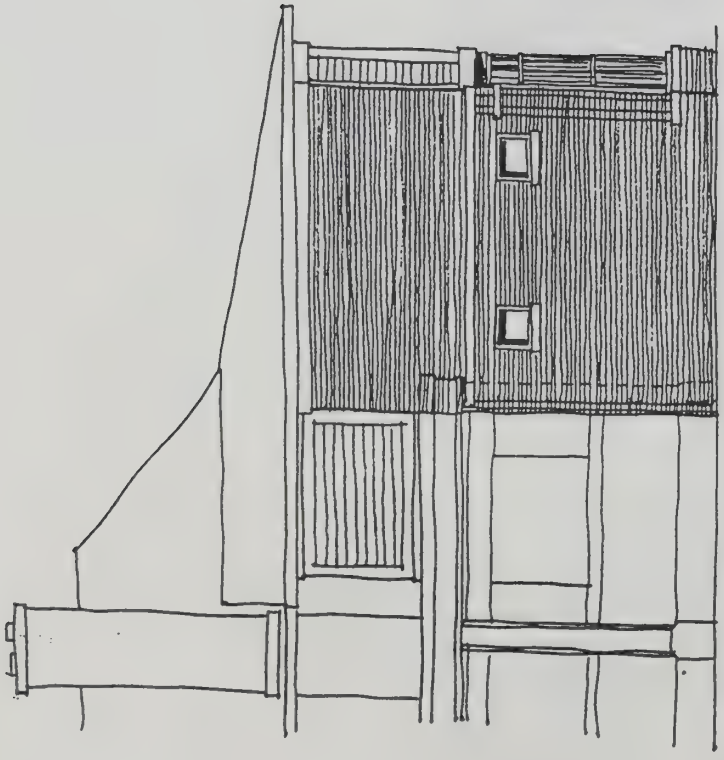
Administration, photocopying, paper, postage, meetings, advertising/promotion, Special Events	**$1520.00**
Insurance	**$ 600.00**
Accounting Audit	**$ 400.00**
Contingency fund	**$ 280.00**
Total	**$2800.00**

Appendix "J" referred to in Section 9E of the Planning and Development Committee Minutes for May 19, 1999.



MYCATHOLICSHIP RED.
SCOTT ELEVATED.
14.1.00.


EAST ELEVATION


WEST ELEVATION
1/4" = 1'-0"
MICHAELYSHYN REB.

B i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 June 2

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
12 NELSON STREET - Tag Number 99-126460
(99.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 12 Nelson Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

Lee Ann Coveyduck.

BACKGROUND:

PRESENT ZONING: D (Map W-12)

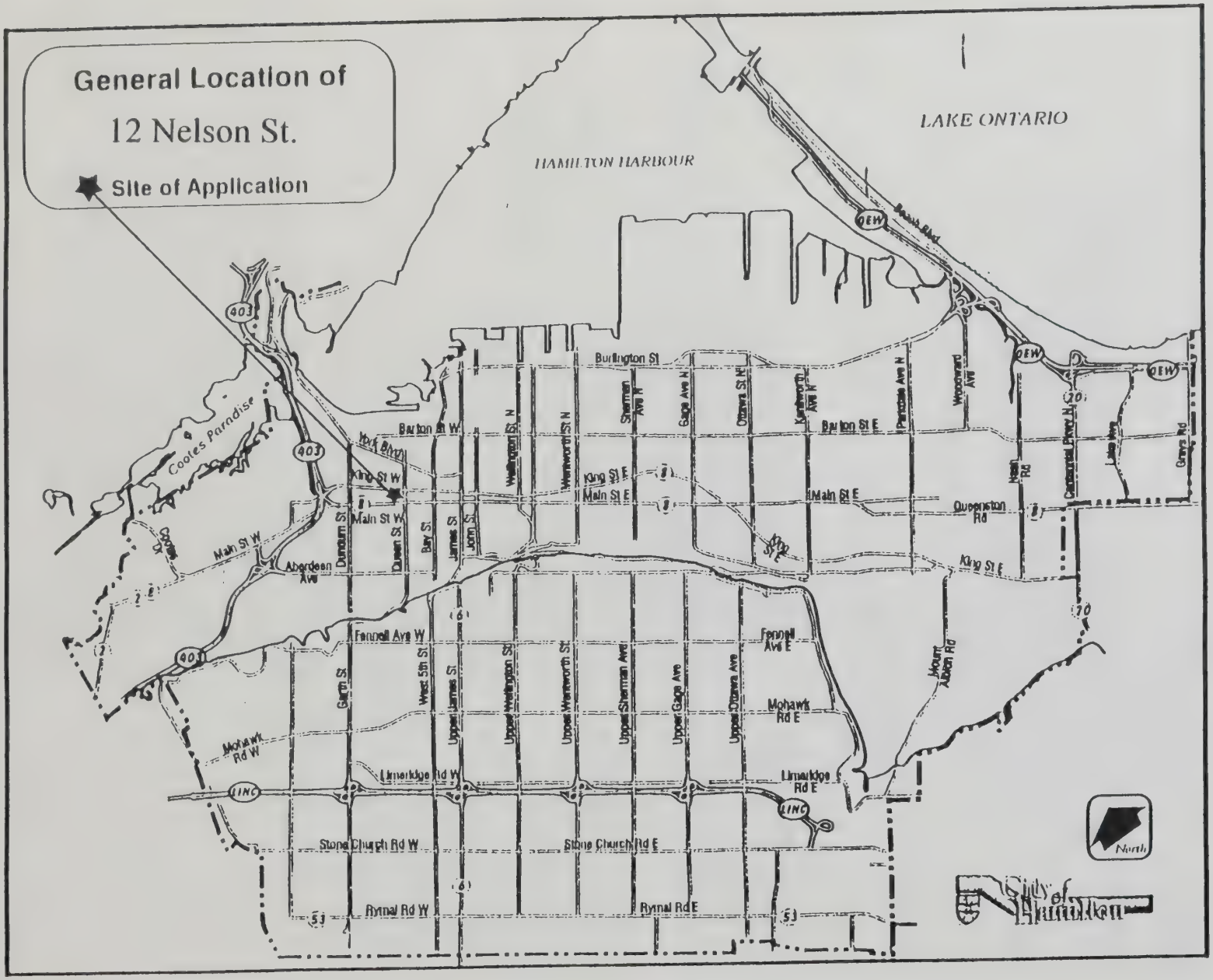
PRESENT USE: Single Family Dwelling

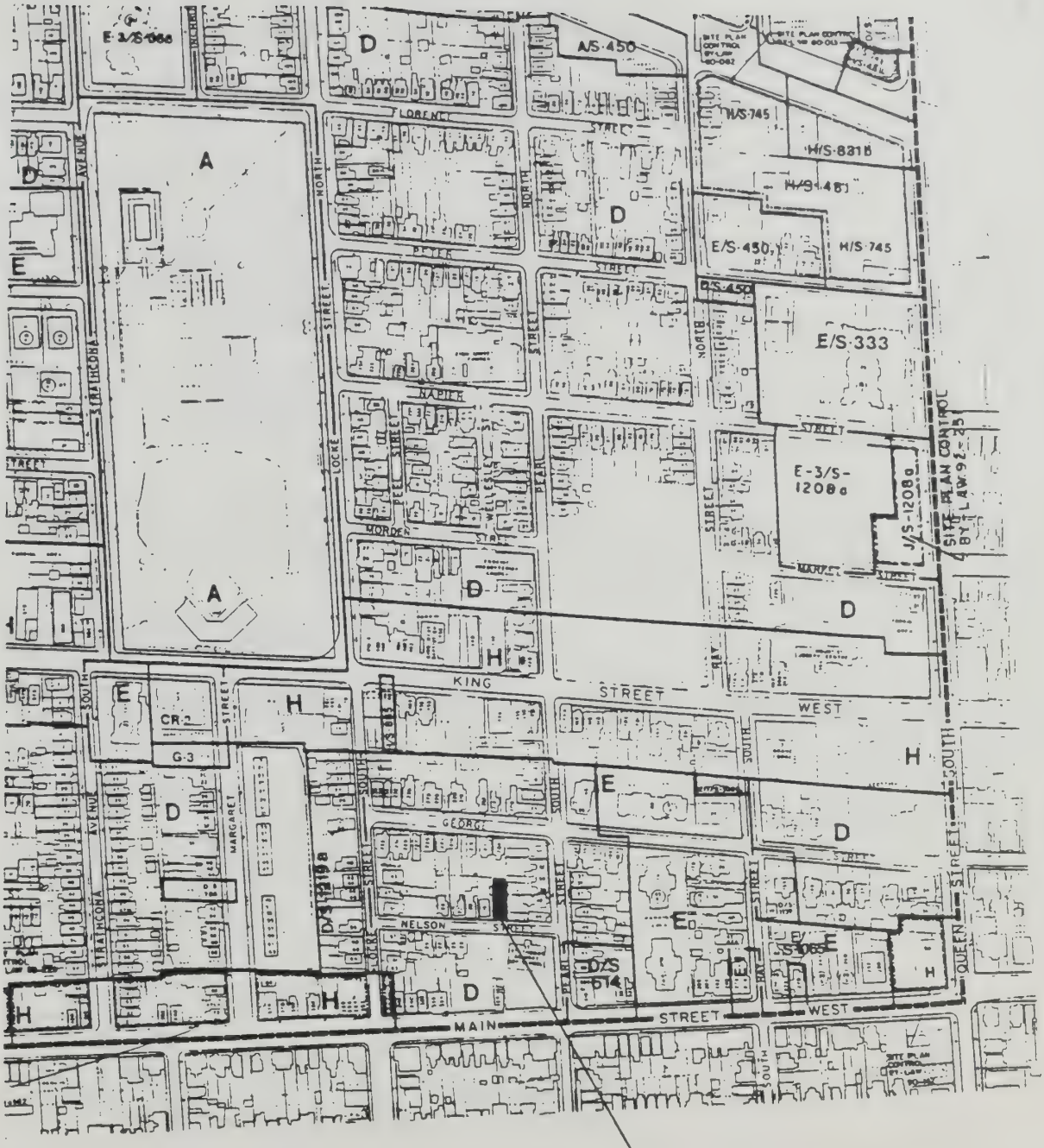
PROPOSED USE: Two Family Dwelling (semi-detached)

BRIEF DESCRIPTION: The owner proposes to demolish the existing 1-1/2 storey single family dwelling and erect a new two family semi-detached dwelling. Committee of Adjustment decision A-96:145 granted variances for reduced lot width and reduced lot area for a new two-family dwelling. A building permit application has been submitted to erect a new two-family dwelling. This property is located in the Strathcona Neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 1. No LACAC interest. Lot size 9.14m x 27.43m.

The owner of the property and applicant as per the demolition permit is:

Ms. D. Srokowski
130 Highway #8 Suite 201
Stoney Creek, Ontario L8G 1C1
FP/ZT


General Location of
12 Nelson St.
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
403
Burlington St
Barton St W
Barton St E
King St W
King St E
Main St W
Main St E
Queenston Rd
Aberdeen Ave
Fennell Ave W
Fennell Ave E
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
Cootes Paradise
North
City of Hamilton



Subject Property
12 Nelson St.

39	40	107
135	127	21
136	92	41

This is not a Legal Document

CITY OF HAMILTON

STRATHCONA

ZONING

B ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 June 2

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Demolition of:
370 UPPER HORNING ROAD - Tag Number 99-104382
(99.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 370 Upper Horning Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A Leeann Coveyduck

BACKGROUND:

PRESENT ZONING: B-2 (Map W-43B)

PRESENT USE: Single Family Dwelling

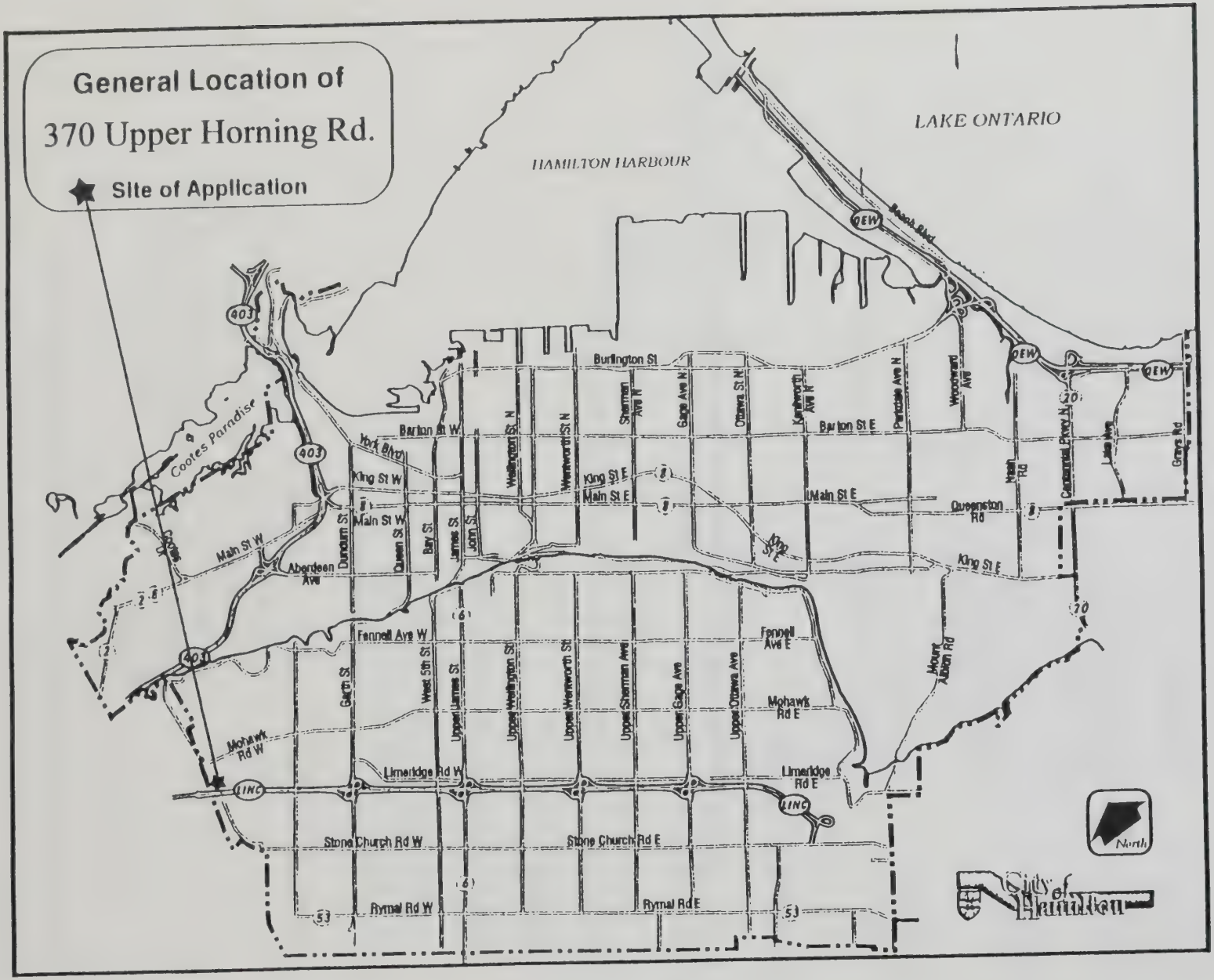
PROPOSED USE: Single Family Dwelling

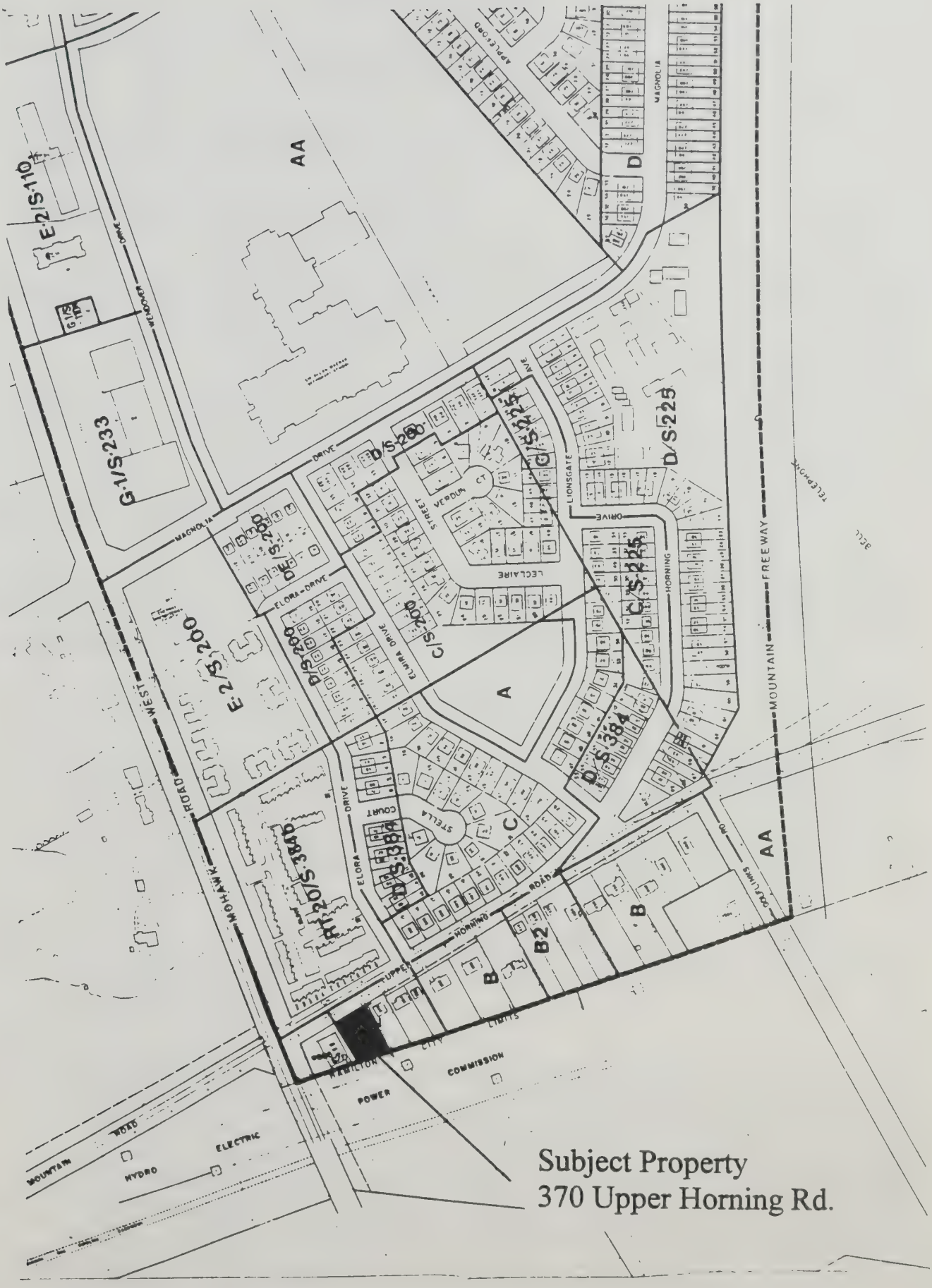
BRIEF DESCRIPTION: The owner proposes to demolish the existing one-storey single family dwelling and replace it with a new single family dwelling. An application has been submitted to erect a new single family dwelling on this lot. This property is located in the Fessenden Neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 8. No LACAC interest. Lot size 30.48m x 43.89m.

The owner of the property and applicant as per the demolition permit is:

Hilton Ross
370 Upper Horning Road
Hamilton, Ontario L9C 7P5

FP/zr


General Location of
370 Upper Horning Rd.
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Burlington St W
Burlington St E
York Blvd
King St W
King St E
Main St E
Main St W
Queenston Rd
Aberdeen Ave
Fennell Ave W
Fennell Ave E
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
LINC
Mount Albion Rd
Cootes Paradise
Dundurn St
Queen St N
Bay St
James St N
John St N
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Lake Ave
Grays Rd
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
North
City of Hamilton


Subject Property
370 Upper Horning Rd.

Biii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 June 3
(CDM-CONV-98-003)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning & Development Division

SUBJECT: Revised Conditions of Draft Plan Approval
Plan of Condominium, 75 Glenburn Court,
822938 Ontario Inc., In Trust, Owner

RECOMMENDATION:

That the City's conditions of Draft Plan Approval in respect of the condominium proposed for the existing apartment building at 75 Glenburn Court adopted on 1998 June 30, (Item 23, 13th Report, Planning and Development Committee), attached hereto and marked Appendix "A", be amended as follows:

(a) That clause 23(a)(i) be replaced with the following:

"That this approval apply to the attached draft condominium plan, as revised in red, which shows in addition to the existing building, a land dedication to the City for a future cul-de-sac at the easterly end of Glenburn Court. The cul-de-sac is laid out in accordance with City roadway standards. The revised draft plan dated 1998 March 16, prepared by Consoli & Jacobs Surveying Ltd., is attached as Appendix "S"." and,

(b) That "clause 23(a)(viii)" be re-numbered as "clause 23(a)(xi)" in order that the four additional conditions of approval, listed below, may also be included in the approval resolution:

clause 23 (a) (viii)
"That to provide road access to the proposed condominium, the owner be required to dedicate to the City of Hamilton that portion of its land needed for a cul-de-sac at the end of Glenburn Court, subject to the owner retaining a right-of-way (in the dedicated land), as shown as Part 1 on the attached draft Reference Plan (Job No. 97-143R1) marked as Appendix "S-1", for vehicular and pedestrian access. The right-of-way retained by the owner shall continue until such time as additional land, also required for the cul-de-sac, is acquired, constructed and established as a highway.";

clause 23(a)(ix):
"That the owner of 75 Glenburn Court, (the applicant or the proposed Condominium Corporation, as the case may be), be required to assume the share of construction costs for the proposed Glenburn Court cul-de-sac attributable to its property, such costs to be paid to the City when all of the required land has been acquired and construction of the cul-de-sac is authorized by Council."; and,

clause 23(a)(x):
"That the owner of 75 Glenburn Court, (the applicant or the proposed Condominium Corporation, as the case may be), be required to obtain a permanent easement for vehicular access between 75 Glenburn Court and the City highway known as Glenburn Court. The applicant shall agree that such easement shall cease without compensation to the applicant when all of the land for the cul-de-sac has been acquired and construction of the cul-de-sac is authorized by Council. Further such easement shall be of a minimum size and terms satisfactory to the General Manager, Transportation, Operations & Engineering Division and to the Manager, Development Engineering Section."

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The applicant is supplying the land survey and dedicating the portion of its land required for a future cul-de-sac at no cost to the City. The balance of the land required for the cul-de-sac is to be acquired at no cost to the City as a condition of approval of development of the adjacent land known as 70 Glenburn Court.

Maintenance costs of the existing interim private road access are to be assumed by the applicant and its successor condominium corporation. Similarly, the construction costs of the proposed cul-de-sac shall be assumed by the condominium corporation as one of the required conditions of condominium approval recommended above.

BACKGROUND:

On 1998 June 30, City Council granted its approval, subject to conditions, to a Draft Plan of Condominium for the existing apartment building located at 75 Glenburn Court in the Riverdale West Neighbourhood, (see attached key map, marked Appendix "B").

As the owner was addressing the conditions of Draft Plan Approval, staff determined that the existing apartment building at 75 Glenburn Court does not have adequate road access to the municipal street Glenburn Court.

75 Glenburn Court is one of two existing apartment buildings located at the end of Glenburn Court. Both apartment buildings were at one time under one ownership and were using a shared private driveway to the street known as Glenburn Court. However, this common ownership ceased after the owner transferred a strip of its land between the two buildings to the City for a walkway, extending from Glenburn Court to a City park situate easterly of the two apartment buildings.

Today, 75 and 70 Glenburn Court are separately owned, with the consequence that the original driveway used by 75 Glenburn Court now passes primarily through the private property of 70 Glenburn Court. 75 Glenburn Court could not proceed, as a condominium as long as its vehicular access to the public street passes through privately owned land belonging to the owner of 70 Glenburn Court. The conditions of approval recommended above and discussed below will address this road access question.

In consultation with the Traffic Section, the Development Engineering Section and the applicant, it was determined that the appropriate method to address road access for both 75 and 70 Glenburn Court would be to complete the existing dead end Glenburn Court with a cul-de-sac. The owner of 75 Glenburn Court has agreed to dedicate to the City its land that would make up part of the necessary cul-de-sac and this is one of the conditions of approval recommended above.

The balance of the land needed for the proposed cul-de-sac, which is required from 70 Glenburn Court, would be acquired by the City as a condition of approval of any future development application submitted by 70 Glenburn Court. The costs to be incurred for construction of the required cul-de-sac would also be a condition of such approval. These costs will also be assumed by the owner of 75 Glenburn Court and its successor condominium corporation as one of the additional conditions of condominium approval recommended above.

CONCLUSION:

The existing property at 75 Glenburn Court does not have adequate road access to the municipal street known as Glenburn Court. To rectify this existing situation and to prepare this residential property for development as a condominium in accordance with City of Hamilton roadway standards and practices, the above recommendation is necessary to revise the initial Conditions of Draft Plan Approval adopted by Council on 1998 June 30.

KE/ke

23. (a) That approval be granted to application CDM-CONV-98-003 submitted by 822938 Ontario Inc., In trust (Bruno Megna), owner, for a draft plan of condominium for property located at No. 75 Glenburn Court, as shown on the attached map marked as Appendix "R", to provide for a condominium comprised of 108 individual apartment condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated 1998 March 16, attached as Appendix "S", prepared by Consoli & Jacobs Surveying Ltd.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-97-005); and,

(v) That the owner shall have satisfied the following conditions of Committee of Adjustment decision A-97:183:

(1) The provision of a 1.32m (4.33') planting strip along the westerly lot line of the parking area; and,

(2) the provision and maintenance of a chain link fence at least 5' in height along the full length of the easterly property line (ravine edge).

(vi) That the owner, 822938 Ontario Inc., enter into an Encroachment Agreement with the City of Hamilton, to the satisfaction of the Roads Department;

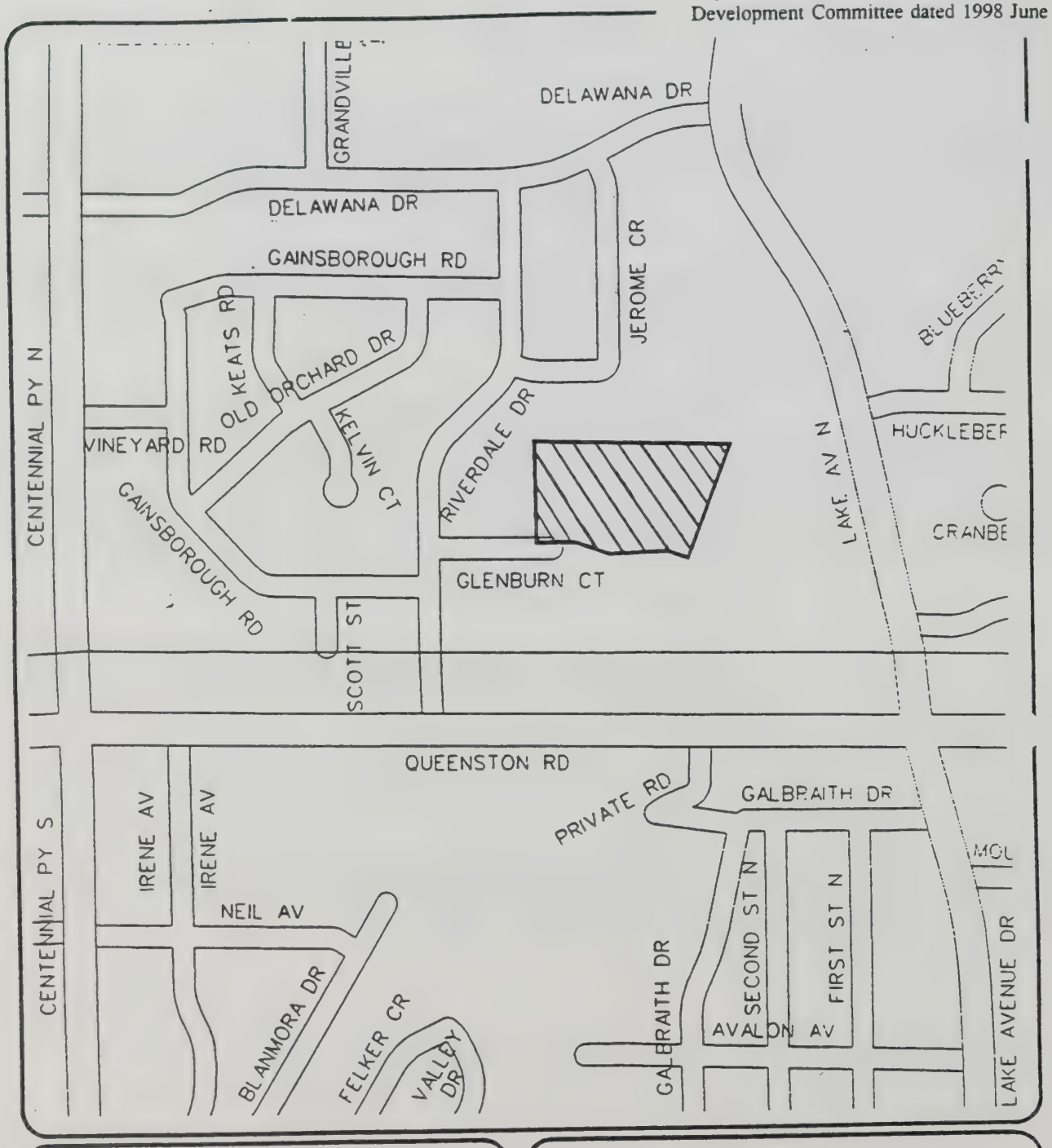
(vii) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(viii) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

(b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

(c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

Appendix "R" as referred to
in Section 23 (a) of the Thirteenth
Report of the Planning and
Development Committee dated 1998 June 30



City of Hamilton

Key Map

CDM-CONV-98-003

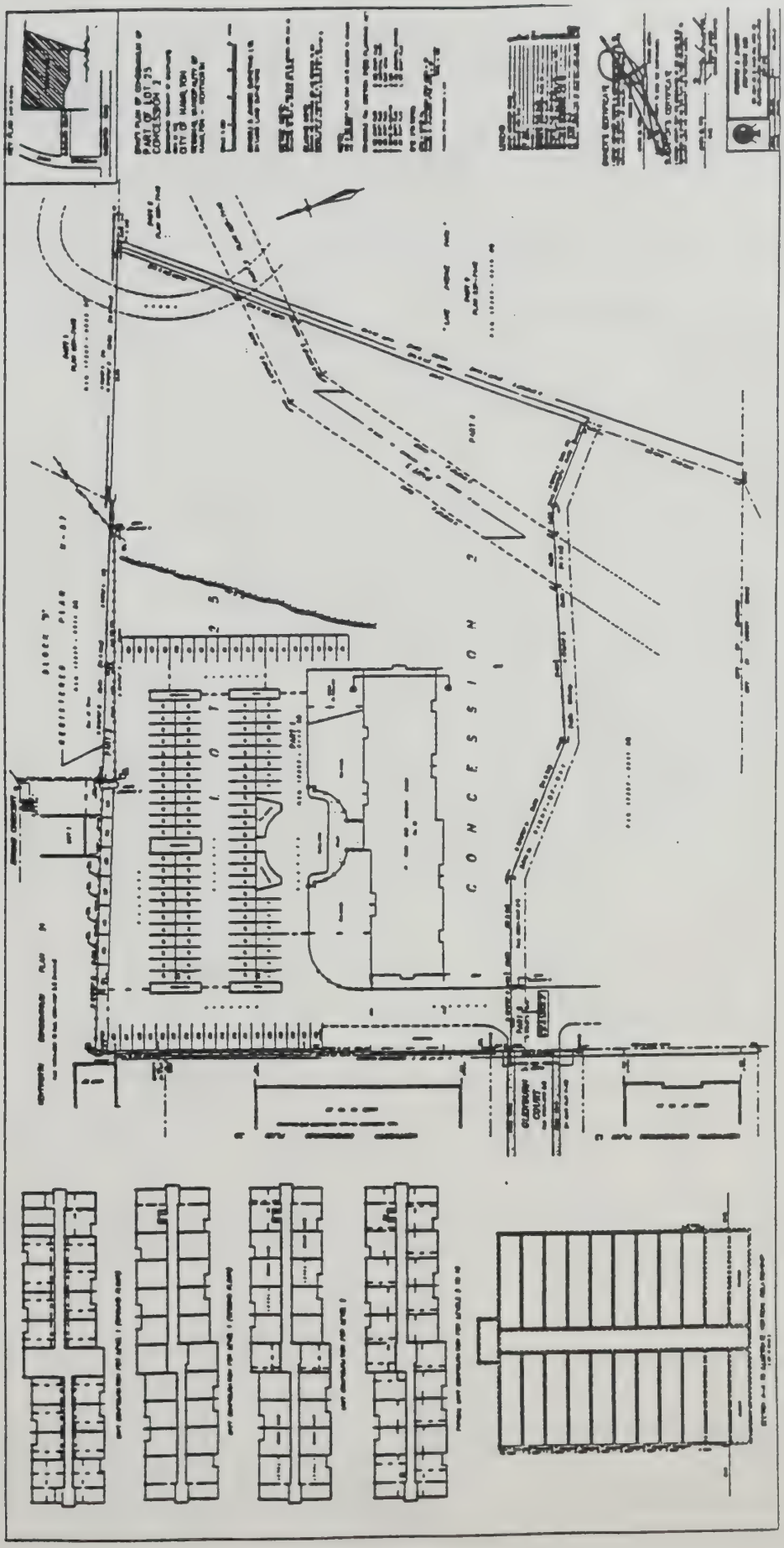
Planning and Development Department

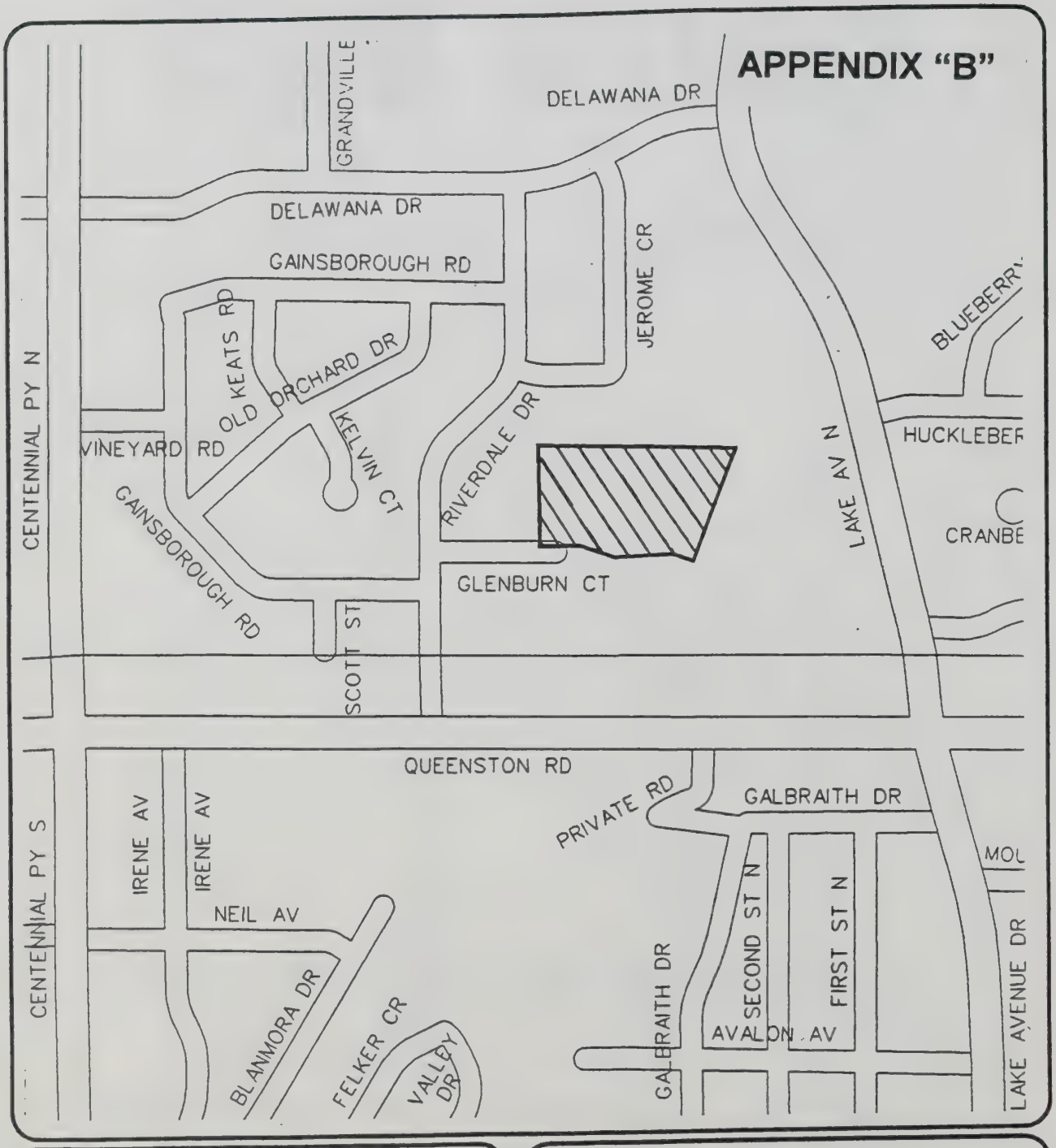
Legend

75 Glenburn Court

North	Scale	Reference File No.
	NOT TO SCALE	CDM-CONV-98-003
	Date	Drawn By
	April 1998	B.B

Appendix "S" as referred to in
Section 23 (a) (i) of the Thirteenth Report
of the Planning and Development
Committee dated 1998 June 30





City of Hamilton

Key Map

CDM-CONV-98-003

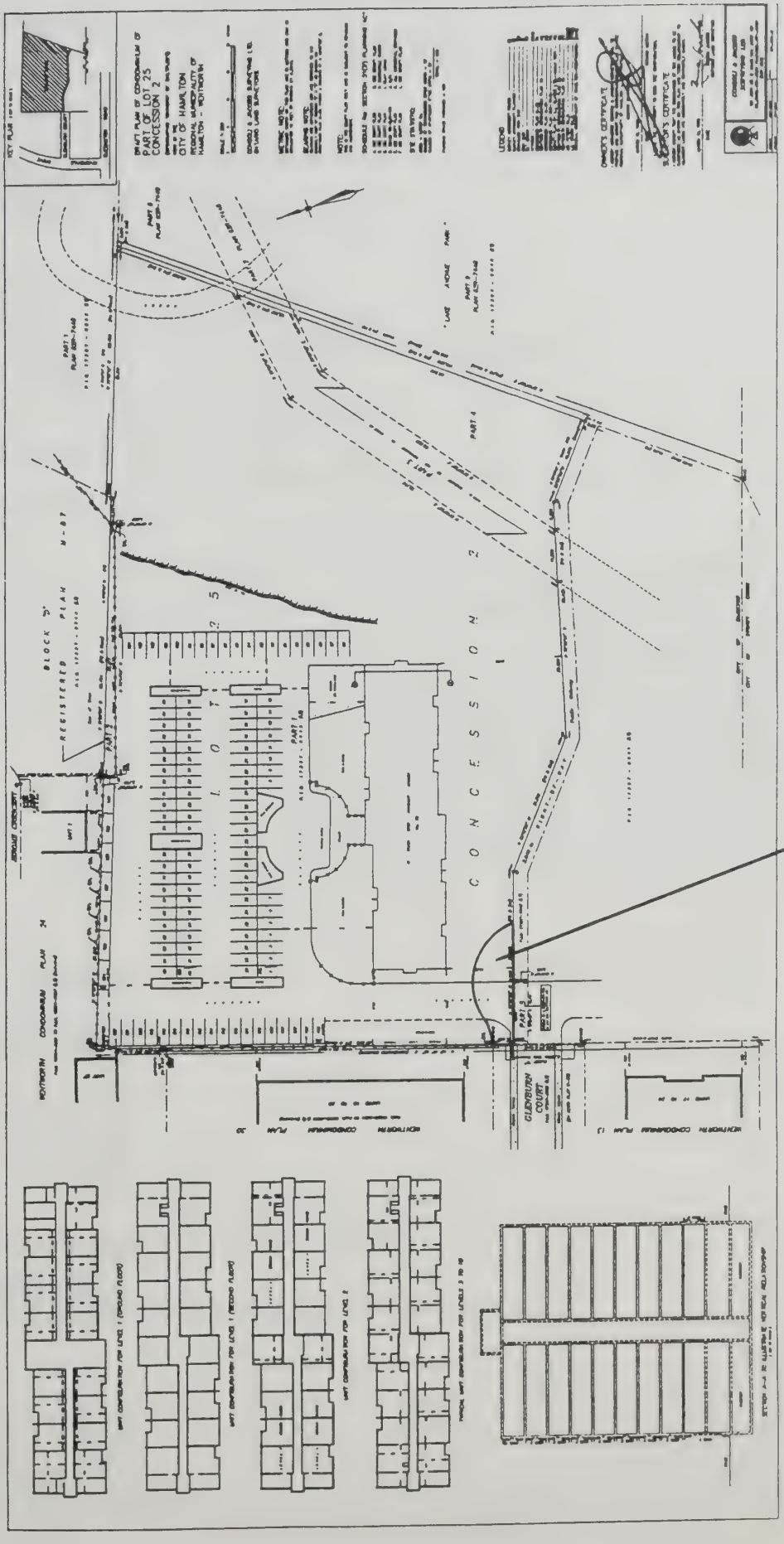
Planning and Development Department

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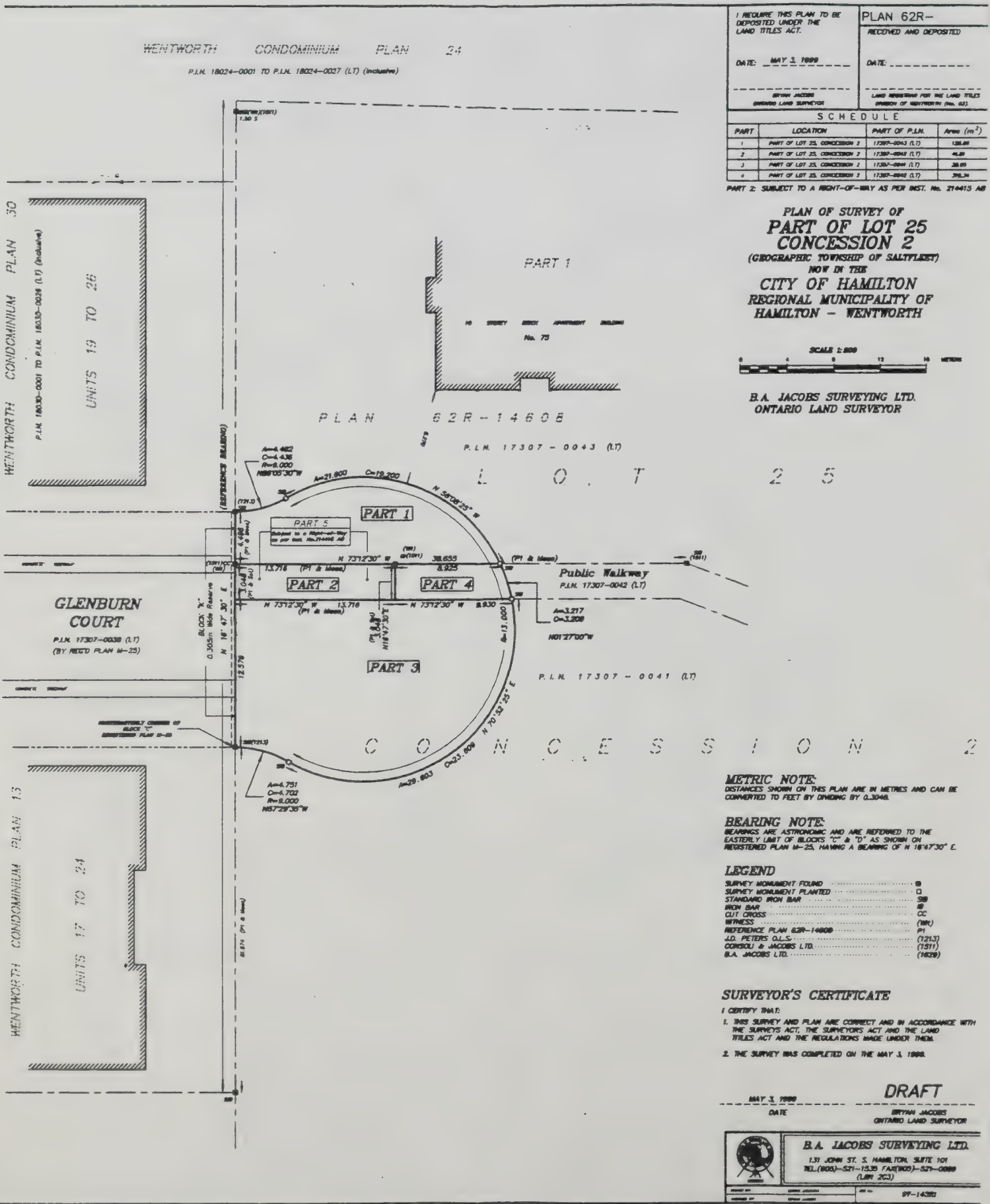
75 Glenburn Court

North	Scale	Reference File No.
	NOT TO SCALE	CDM-CONV-98-003
	Date	Drawn By
	April 1998	B.B.

APPENDIX "S"


DRAFT PLAN OF CONDOMINIUM OF
PART OF LOT 25
CONCESSION 2
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH
CONCESSION 2
LOT 25
REGISTERED PLAN
BLOCK 'D'
CLENBURN COURT
WENTWORTH CONDOMINIUM PLAN
Land to be dedicated to City of Hamilton for a future cul-de-sac

APPENDIX "S-1"



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.	PLAN 62R–
DATE: MAY 3, 1999	RECEIVED AND DEPOSITED
	DATE:
BRYAN JACOBS ONTARIO LAND SURVEYOR	LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)

SCHEDULE

PART	LOCATION	PART OF P.I.N.	Area (m^2)
1	PART OF LOT 25, CONCESSION 2	17307–0043 (LT)	138.69
2	PART OF LOT 25, CONCESSION 2	17307–0042 (LT)	45.89
3	PART OF LOT 25, CONCESSION 2	17307–0041 (LT)	28.85
4	PART OF LOT 25, CONCESSION 2	17307–0042 (LT)	316.34

PART 2: SUBJECT TO A RIGHT–OF–WAY AS PER INST. No. 214415 AB

PLAN OF SURVEY OF
PART OF LOT 25
CONCESSION 2
(GEOGRAPHIC TOWNSHIP OF SALTFLEET)
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON – WENTWORTH

SCALE 1:600

B.A. JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYOR

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF BLOCKS "C" & "D" AS SHOWN ON REGISTERED PLAN M–25, HAVING A BEARING OF N 16°47'30" E.

LEGEND

SURVEY MONUMENT FOUND	●
SURVEY MONUMENT PLANTED	□
STANDARD IRON BAR	SIB
IRON BAR	IB
CUT CROSS	CC
WITNESS	(WIT)
REFERENCE PLAN 62R–14606	(R1)
J.D. PETERS O.L.S.	(1213)
CORSOLI & JACOBS LTD.	(7511)
B.A. JACOBS LTD.	(16219)

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE MAY 3, 1999.

MAY 3, 1999 — DATE

DRAFT

BRYAN JACOBS
ONTARIO LAND SURVEYOR

B.A. JACOBS SURVEYING LTD.
131 JOHN ST. S. HAMILTON, SUITE 101
TEL.(905)–521–1535 FAX(905)–521–0089
(L8N 2C3)

97–14321

B iv)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 June 14
S718-086
S718-087 P. Strong

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: **"The Gardens of Rymal – Phase 5 and 6", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)**

RECOMMENDATION:

a) That the City of Hamilton accept the sum of $ 42,000.00 for The Gardens of Rymal – Phase 5 and $35,650.00 for The Gardens of Rymal - Phase 6 as the payment in lieu of the 5% land dedication in connection with "Gardens of Rymal – Phase 5 and 6", Hamilton being the cash payment required under Section 51.1 of the Planning Act.

Lee Ann Coveyduck

FINANCIAL/STAFFING/LEGALIMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

1999 June 14

"The Gardens of Rymal – Phase 5 and 6", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

The owner of The Gardens of Rymal Phase 5 and 6, Benemar Construction Inc. will be executing a Subdivision Agreement with the City of Hamilton for each subdivision in the near future.

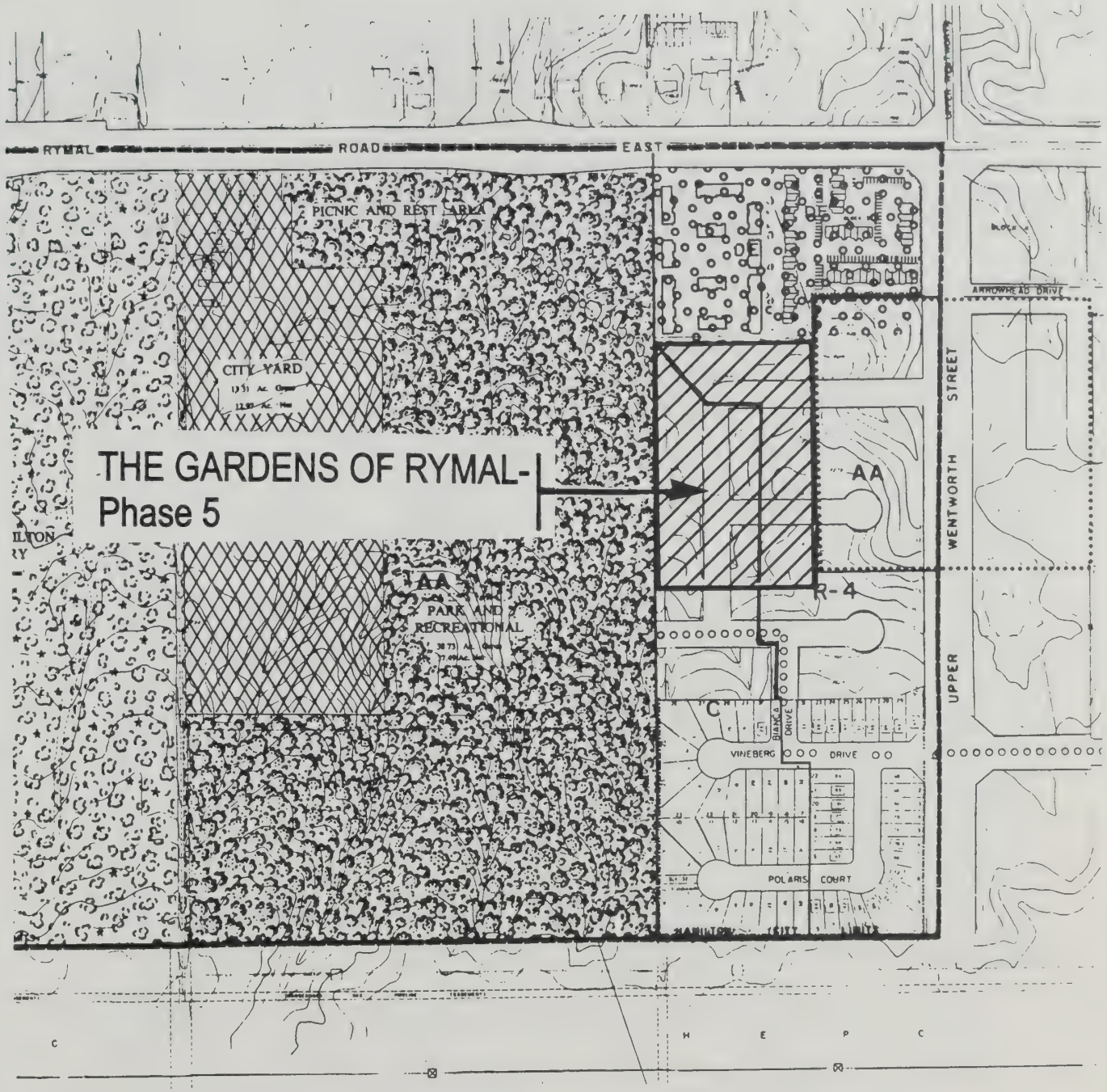
In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the Phase 5 subdivision agreement has been calculated to be $ 42,200.00 and Phase 6 has been calculated to be $35,650.00.

The lands of The Gardens of Rymal – Phase 5 and 6 are located south of Rymal Road in the Chappel West Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

/ps
cc: D. Cobb, Finance Department
cc: K. Nutley, Supervisor, Real Estate

A:\P&D2\99-06-14\disc



LEGEND

Subject Lands

KEY PLAN
"THE GARDENS OF RYMAL - Phase 5"

NORTH

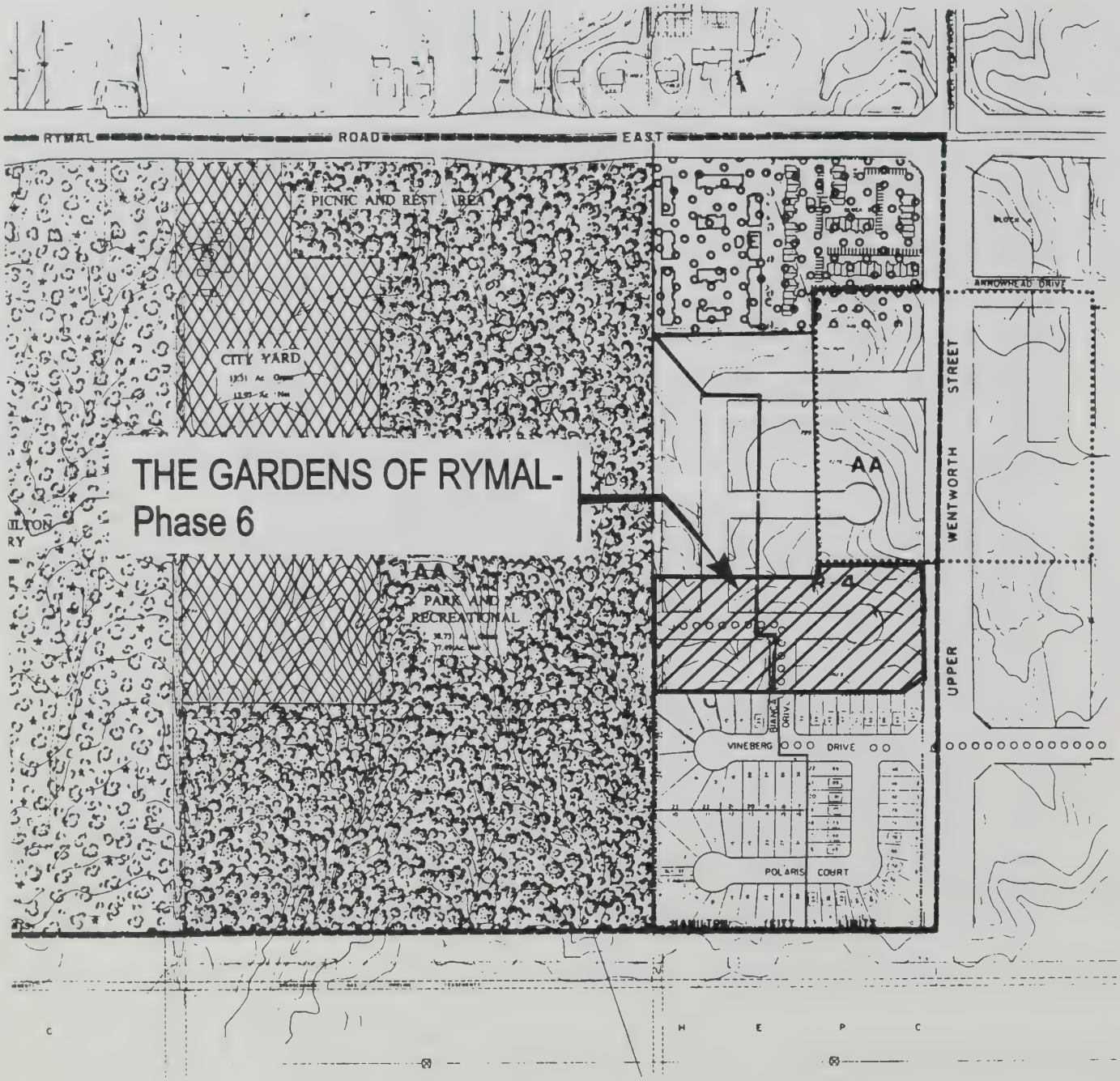
NOT TO SCALE

NEIGHBOURHOOD
CHAPPEL WEST - Approved Plan

DATE
March 9, 1999

FILE No.
S718-86

Regional Municipality of Hamilton-Wentworth
Community Planning & Development Division



LEGEND

Subject Lands

KEY PLAN
"THE GARDENS OF RYMAL - Phase 6"

NORTH

NOT TO SCALE

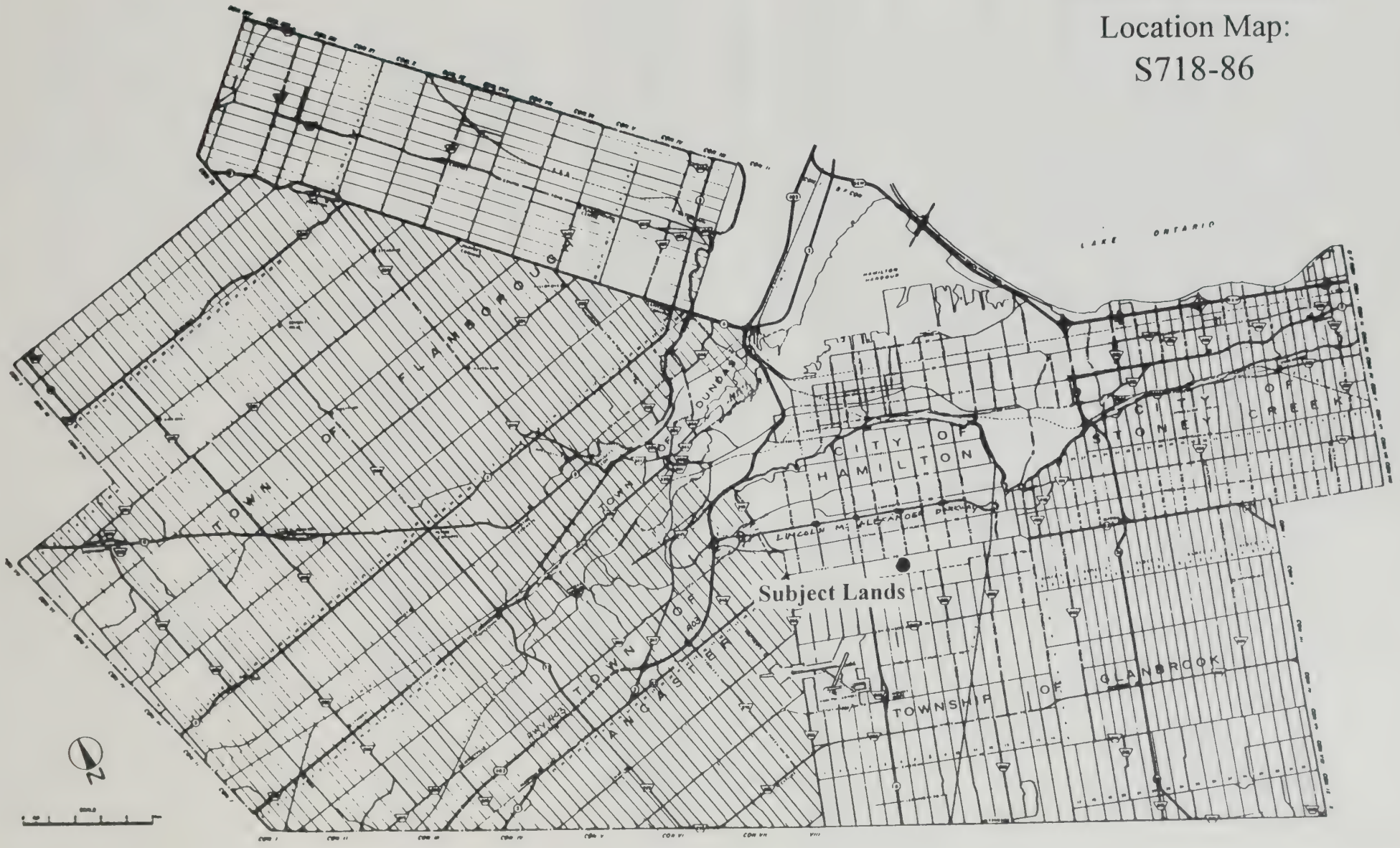
NEIGHBOURHOOD
CHAPPEL WEST - Approved Plan

DATE
March 9, 1999

FILE No.
S718-86

Regional Municipality of Hamilton-Wentworth
Community Planning & Development Division

The Regional Municipality Of
Hamilton-Wentworth
Location Map:
S718-86



B v)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 9 June 1999
DA-99-22
Bartonville Neighbourhood

REPORT TO: Tina Agnello, Secretary
The Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT:

Site Plan Control Application DA-99-22 for a senior citizens residential care facility to accommodate seventeen (17) persons within the existing building (former Hamilton Star Temple) at 1800 King Street East .

RECOMMENDATION:

That approval be given to **Site Plan Control Application DA-99-22 by Jadwiga Weiss, owner,** of lands at 1800 King Street East for a senior citizens residential care facility to accommodate seventeen (17) persons within the existing building, as shown on the attached map marked as Appendix "A", subject to the following:

(i) modification to the plan in relation to notes and dimensions as marked in red on the plan; and,

(ii) submission of a revised grading plan to the satisfaction of the Manager of Development, Engineering Section of the Regional Environment Department.

LeeAnn Coveyduck

BACKGROUND:

Proposal

The applicant proposes to renovate the existing building (former Hamilton Star Temple) into a senior citizen residential care facility to accommodate seventeen (17) persons at 1800 King Street East, as shown on the attached map marked as Appendix "A". The development will provide a landscape treatment including an outdoor amenity area and garden plots for the residents.

The details of the development are as follows:

• Net Lot Area		-	2,066.44 m^2 (22,243.70 S.F.)
• Gross Floor Area	existing	-	342.48 m^2 (3,686.54 S.F.)
• Building Height		-	one (1) storey
• No. of Parking Spaces		-	10, one (1) handicapped
• No. of Loading Spaces		-	n/a
• Landscape Area		-	1,050.61 m^2 (50.84%)
• Exterior Building Materials		-	existing aluminium siding, and asphalt shingles

Zoning Application ZAC-98-39

At its meeting of December 8, 1998, City Council approved Zoning Application ZAC-98-39, Jadwiga Weiss, prospective owner, for a further modification to the established "H" (Community Shopping Commercial, etc.) District, to permit a senior citizens residential care facility to accommodate twenty (20) senior citizens within the existing building, for the property located at 1800 King Street East.

The implementing By-law 99-008 came into effect on February 24,1999.

COMMENTS RECEIVED:

The following Departments and Agencies have no comment or objections:
- Department of Public Works and Traffic;
- Niagara Escarpment Commission;
- Bell;
- HSR; and,
- Union Gas.

The Regional Environment Department has advised that the grading plan requires clarification and modification in accordance to their comments (See Appendix "B"). A revised grading plan should therefore be submitted to the satisfaction of the Manager of Development, Engineering Section of the Regional Environment Department.

The Community Planning and Development Division, Building have reviewed the plans submitted and have forwarded comments with respect to the development of the lands (See Appendix "C").

COMMENTS:

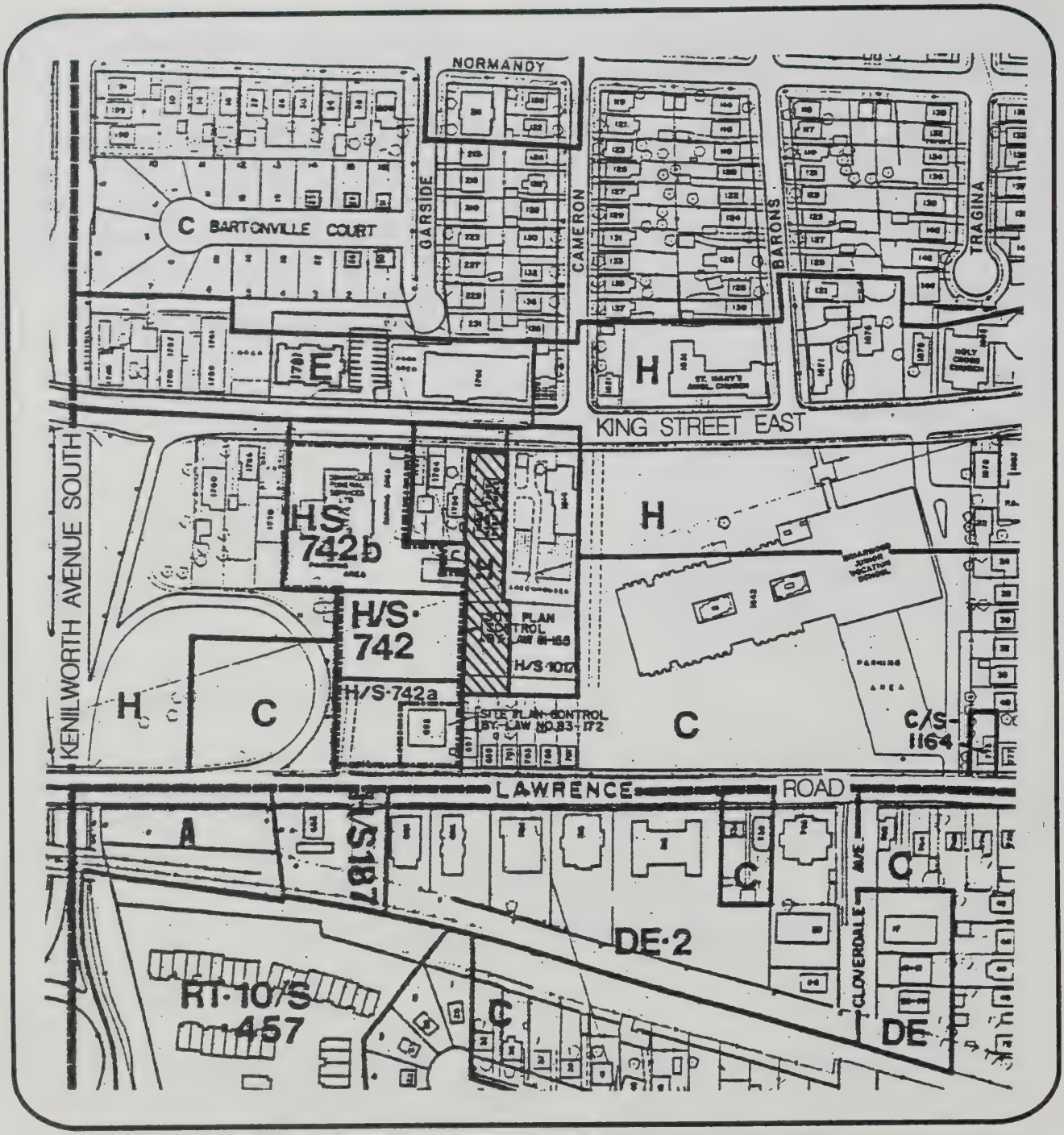
Various modifications are required to the plan in relation to notes, and dimensions and have been marked in red on the plans.

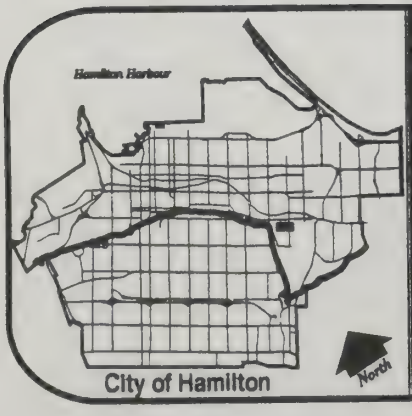
With respect to the comments received from Building (see Appendix "C"), the applicant has agreed to modify the plans as red lined.

CONCLUSION:

Subject to the above, the proposed development is satisfactory.

JL/jl
DA-99-22





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

SITE OF APPLICATION

Reference file:	DA-99-22
Scale	Not to Scale
Date	MAY,1999
Technician:	FAB
	APPENDIX A

Community Planning and Development Division

Memorandum

TO: P. D. Mallard, M.C.I.P., R.P.P.
Division Head
Development and Urban Design

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

DATE: May 26, 1999

FILE No.: E220-0202

SUBJECT: **Site Plan Control Application DA-99-22 for 1800 King Street East**

MAY 27 1999

J.L

The grading plan submitted plot dated March 29, 1999 will be approved with respect to grading when the following revisions have been dealt with.

1. The grading plan must be stamped by an Engineer, Architect and or Landscape Architect.

2. Proposed elevations along the south side of the site are set higher than the proposed property elevations and may block drainage from the adjacent lands.

   In addition, the proposed property line elevation at the south east corner of the site does not match the existing and should be revised accordingly in order to not block the existing drainage patterns.

3. A typical cross section should be provided through the swale on the east side of the building. It is unclear from the drawings how this swale will be constructed within the vicinity of the porch on the east side of the building.

4. Along the west side of the driveway proposed elevations are shown to match existing. Please clarify it these elevations are top of curb or asphalt. If they are top of curb, proposed asphalt elevations should also be provided.

5. Please indicate if the roof leaders of the existing Church building are connected to the sites sewer system or discharge overland.

6. The proposed sodded area on the west side of the site just north of the proposed parking area should be graded to drain internally.

Cont'd...

Site Plan Control Application DA-99-22 for 1800 King Street East

Cont'd...

7. Proposed elevations should be provided at the top and bottom of the ramps to the rear of the building.

8. The slope of the proposed access within the first 7.5 m on private property should be no more than our maximum allowable of 5.0 % which is our standard. Based on our calculations this slope is achievable with minimum modifications to the remainder of the driveway.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added. Please note that a qualified professional engineer, architect or landscape architect must stamp the estimate.

The applicant/owner should be advised that permits are required from the Region of Hamilton – Wentworth prior to the commencement of any servicing works external to the building. A copy of the servicing drawing (final design) must be submitted to the Regional Community Planning and Development Division, for review prior to permit application. A detailed review of the services will be carried out at that stage, however, the following items are noted at this time in order to expedite this final approval. Where indicated please include the note on the plan.

1. The plan indicates the use of catch basin maintenance holes. As the use of these is contrary to the Region's guidelines, the plan should be modified to show separate maintenance holes and catch basins.

   Note: Maintenance holes are to be as per OPSD 701.010, and are to be sumpless.

2. Note: Sewers to be installed with a minimum cover of 2.75 m at the property line below the final road grade or at such higher elevation only as may be necessitated by the level of the main sewer. On private property the minimum cover is to be no less than 1.2 m.

3. Note: Sewer bedding, cover and backfill to be as per OPSD 802.010 with granular "A" to be used for both bedding and cover.

Site Plan Control Application DA-99-22 for 1800 King Street East

Cont'd...

The following comments were received from the Regional Transportation, Operations and Environment Division, Roads Section.

1. According to our records the Region previously acquired the required road allowance widenings on King Street to establish the 20.12 m width. Therefore we do not anticipate any further road allowance widenings at this time.

2. Any works within the King Street road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law. The proposed sidewalk within the road allowance must be constructed flush with adjacent ground and the municipal sidewalk.

3. Any board fences and other visibility obstructions must be setback a minimum of 5 m from the King Street road allowance limits. This is required to ensure that motorists visibility from this property and adjacent lands entering King Street is not impeded by these objects.

If there are any queries with respect to the Roads Section comments please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell will be able to respond to any grading/ drainage or servicing questions.

Charles A. Unelli

Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW:HG:dww
Attach.

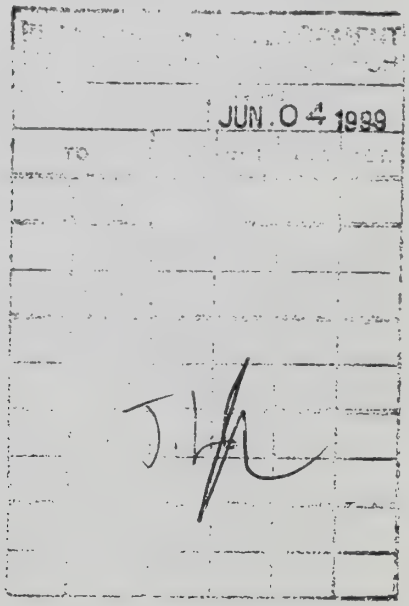
O:\Subdivis\Doug\Hamilton\DA1999\DA9922.1.DOC

COMMUNITY PLANNING & DEVELOPMENT (BUILDING)
71 Main Street West, Hamilton, Ontario L8P 4Y5
Telephone (905) 546-2720 / Fax (905) 546-2764

CITY OF HAMILTON

FILE: DA-99-22
ATTENTION OF: S. Parker
TELEPHONE NO: (905) 546-2722

June 3, 1999



PRESENT ZONING: H/S-1420

Mr. V. J. Abraham, M.C.I.P.
Director
Community Planning and Development
Planning Section

Attention: Joe Lakatos

Dear Joe:

RE: DA-99-22
1800 KING STREET EAST

The above, under cover of your letters dated May 4 and May 26, 1999, have been examined.

COMMENTS:

1. The development data indicates a proposed seventeen (17) beds. The floor plans show two (2) bedrooms in the basement, but the number of persons has not been indicated, with a total of seventeen (17) beds on the first floor. The total number of beds on the first floor and basement is required but shall not exceed a maximum of twenty (20) persons. The total number should refer to persons, not beds.

2. The Site Specific By-Law No. 99-08 states the existing driveway adjacent to the building is 3.66m wide. The site plan and topographical survey indicate the dimension less than 3.66m. Confirmation of the actual driveway width is required.

Yours truly

for the Building Commissioner

SKP/zr

APPENDIX C

B vi)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: May 21, 1999
PLC-99-04
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: LeeAnn Coveyduck
General Manager, Community Planning and Development Division

SUBJECT: Application to Remove Part-Lot Control – Block 19, Registered Plan 62M-829, "Eagleview Estates, Phase 1"

RECOMMENDATION:

A. That approval be given to **Part Lot Control Application 99-04, Samuel Guerriero, owner,** to remove part-lot control for Block 19, located in "Eagleview Estates, Phase 1", Registered Plan 62M-829, to permit the subdivision of Block 19 into 4 blocks to be merged with the abutting lands for 4 lots for single detached dwellings, as shown on the attached map marked as APPENDIX "A";

B. That the General Manager, Community Planning and Development Division be authorized and directed to prepare a By-law to remove part lot control from Block 19, Registered Plan 62M-829, "Eagleview Estates, Phase 1" plan of subdivision, for presentation to City Council;

C. That the exempting by-law not be presented to City Council until such time as the following conditions have been fulfilled to the satisfaction of the General Manager, Community Planning and Development Division:

i) finalization of Zoning Application 99-13 for a modification to the established "C" (Urban Protected Residential, etc.) District and for change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the lands known as 1487 Upper Sherman Avenue;

ii) the owner enter into a Modified Subdivision Agreement with the City of Hamilton for the purposes of lot grading and pay all outstanding servicing costs and any other requirements of the City of Hamilton;

iii) the owner pay all outstanding property, road or servicing costs adjacent to Dalia Avenue adjacent to the lands being severed under Severance Applications B-99:31 and B-99:32; and,

iv) that the owner agree in writing to merge Parts 2, 3, 4 and 5 with Parts 6, 7, 8 and 9, respectively, on the draft reference plan attached as APPENDIX "B";

D. That the exempting by-law be restricted to a 1 year effective time period to expire 1 year from the date of passage of the by-law; and,

E. That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council may pass a by-law for exemption from part-lot control for the purposes of creating building lots from a block of land within a registered plan of subdivision.

BACKGROUND:

Proposal

The applicant, Samuel Guerriero, is proposing to subdivide the subject lands into 4 blocks to be added to the abutting lands to create 4 building lots for single detached dwellings (see Appendix "B").

Location

The subject lands are located east of Upper Sherman Avenue, west of Eaglewood Drive, south of Dalia Avenue and located at rear of 1487 Upper Sherman Avenue in the Eleanor Neighbourhood (see Appendix "A").

Zoning Application 99-13

An application (ZA-99-13) for a change for the subject lands and the abutting lands has been submitted. The application is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "1") and for change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "2") for lands located at the rear of 1487 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "C".

The purpose of Zoning Application 99-13 is to permit the use of the subject lands for four single family residential lots in conjunction with the abutting lands in accordance with Severance Applications B-99:31 and B-99:32. The lands are to be developed with the

abutting lands located within "Eagleview Estates, Phase 1" Registered Plan of Subdivision, 62M-829.

Severance Applications B-99:31 and B-99:32

Severance Applications B-99:31 and B-99:32 were approved on May 19, 1999. The combined effect of the applications was to create four building lots fronting on Dalia Avenue for single-family dwellings. The applications were as follows:

- Application B-99:31 was to convey a parcel of land (Part 3) having a frontage on Dalia Avenue of 11.66m (38.24') and an area of 266.5m^2 (2868.58 $ft.^2$) to be added to the adjoining lands to the south (Part 7) for residential purposes. The lands to be retained include two parcels. Part 2, having a frontage on Dalia Avenue of 6.66m (21.84') and an area of approximately 254m^2 (2734.03 $ft.^2$) to be added to the adjoining lands to the south (Part 6) for residential purposes and Parts 4 and 5, having a frontage on Dalia Avenue of 23.32m (76.49') and an area of approximately 533.0m^2 (5737.16) to be further subdivided for residential purposes (see Appendix "B").
- Application B-99:32 was to convey a parcel of land (Part 5) having a frontage on Dalia Avenue of 11.66m (38.24') and an area of 266.5 m^2 (2868.58 $ft.^2$) to be added to the adjoining lands to the south (Part 9) for residential purposes and to retain the balance of the holding (Part 4) having a frontage on Dalia Avenue of 11.66m (38.24') and an area of 266.5m^2 (2868.58 $ft.^2$) to be added to the adjoining lands to the south (Part 8) for residential purposes (see Appendix "B")

The applications were approved conditional upon, amongst other conditions, the applicant applying for and receiving final approval for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "1") and for change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "2") for a reduced lot width and lot area and final approval of Part Lot Control Application 99-04.

Zoning Application 95-13 and Subdivision Application 95-03 (Regional File 25T-95014(R))

In June, 1996, City Council approved Zoning Application 95-13 and Subdivision Application 95-03 for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dalia Street (formerly Dulgaren Street). The changes in zoning were to permit the development of the subject lands in accordance with the proposed "Eaglewood Estates" plan of subdivision for 7 lots for small lot single family dwellings ("R-4" District) and 18 lots for single family dwellings ("C" District). A condition of draft plan approval was that Block 19 must be developed in conjunction with the abutting lands. In this regard, the applicant has acquired Block 19 and is proposing to develop Block 19 with the lands known as 1487 Upper Sherman Avenue into 4 lots for single detached dwellings.

CIRCULATION COMMENTS:

- The Regional Environment Division advised:

  "Information:

  1. The developer of Eagleview Estates has provided and paid for the existing service along Dalia Avenue and Eaglewood Drive.

  2. Review of the existing City subdivision agreement has revealed that the developer of "Eagleview Estates, Phase 1" did not provide for a cash payment in lieu of lands, for park purposes, for Block 19, under the agreement.

  Recommendations:

  1. That the owner enter into a Modified Subdivision Agreement with the City of Hamilton for the purposes of lot grading and pay all outstanding servicing costs and any other requirements of the City of Hamilton;

  2. That the owner pay all outstanding property, road or servicing costs adjacent to Dalia Avenue adjacent to the lands being severed under Severance Applications B-99:31 and B-99:32; and,

  3. That the lands shown as Block 19, Registered Plan No. 62M-829 be developed with the lands being subdivided under Severance Applications B-99:31 and B-99:32."

- The Building Department advised of the following:

  "1. There is currently an application to the Committee of Adjustment to sever Parts 2, 3, 4 and 5 for the purpose of merging them with Parts 6, 7, 8 and 9, the subject of this Part Lot Control Application.

  2. Parts 3 –7 and 4 –8 are in a "C" District, while Parts 5 and 9 are each split into "C" and "AA" Districts. Each pair of parcels will not create a lot that meets "C" District requirements for width (12 m) or area (360 m^2) nor will they meet "AA" District requirements."

- The Traffic Division, Department of Public Works and Traffic advised:

  "The applicant should be advised that there will be no access to Upper Sherman Avenue from Parts 2 and 6."

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the

approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period.

2. The Regional Environment Department has advised that as part of the severance applications, the applicant be required to revise and resubmit the existing grading plan for Block 19, Plan 62M-829. Furthermore, based on a review of the existing subdivision agreement for "Eagleview Estates, Phase 1", a cash-in-lieu payment was not made for Block 19.

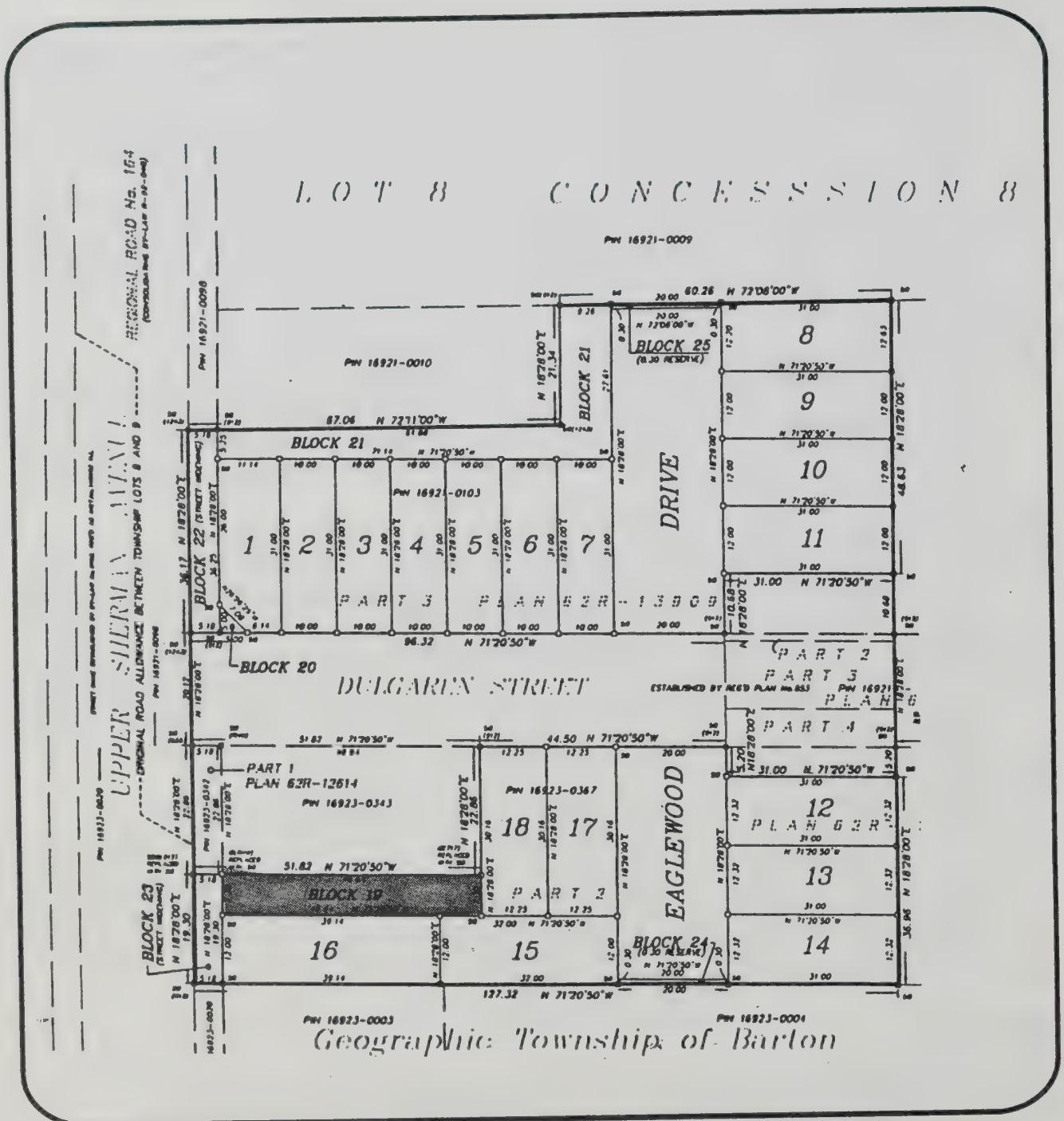
3. The Building Department has advised that Part 9 is zoned "C" and "AA" District. Furthermore, the proposed lots do not comply with the minimum lot width and lot area requirements of the "C" District. In this regard, the applicant has submitted a rezoning application to provide for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "1") and for change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "2") for lands located at the rear of 1487 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "C".

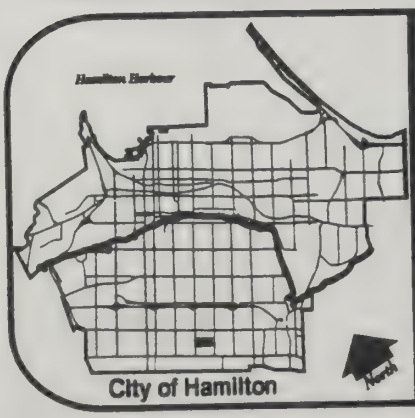
   Community Planning and Development Division staff are finalizing the review of the rezoning application and a public meeting of the Planning and Development Committee has been scheduled for June 23, 1999 to consider the zoning application. In this regard it is appropriate that the exempting by-law not be presented to City Council until finalization of the change in zoning for the subject lands.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
(PLC99-04.rpt)





PLANNING AND DEVELOPMENT DEPARTMENT

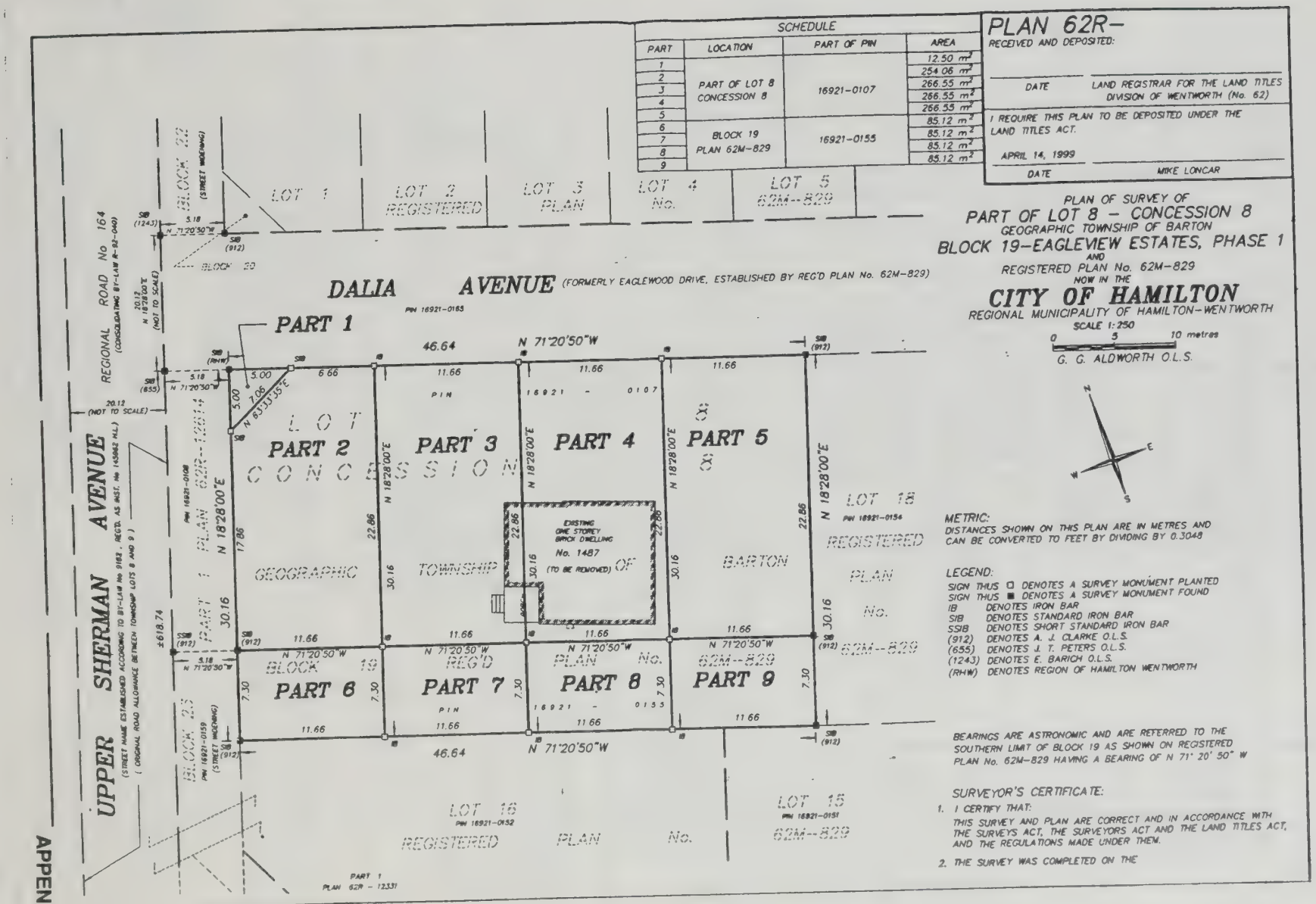
Location Map

Legend

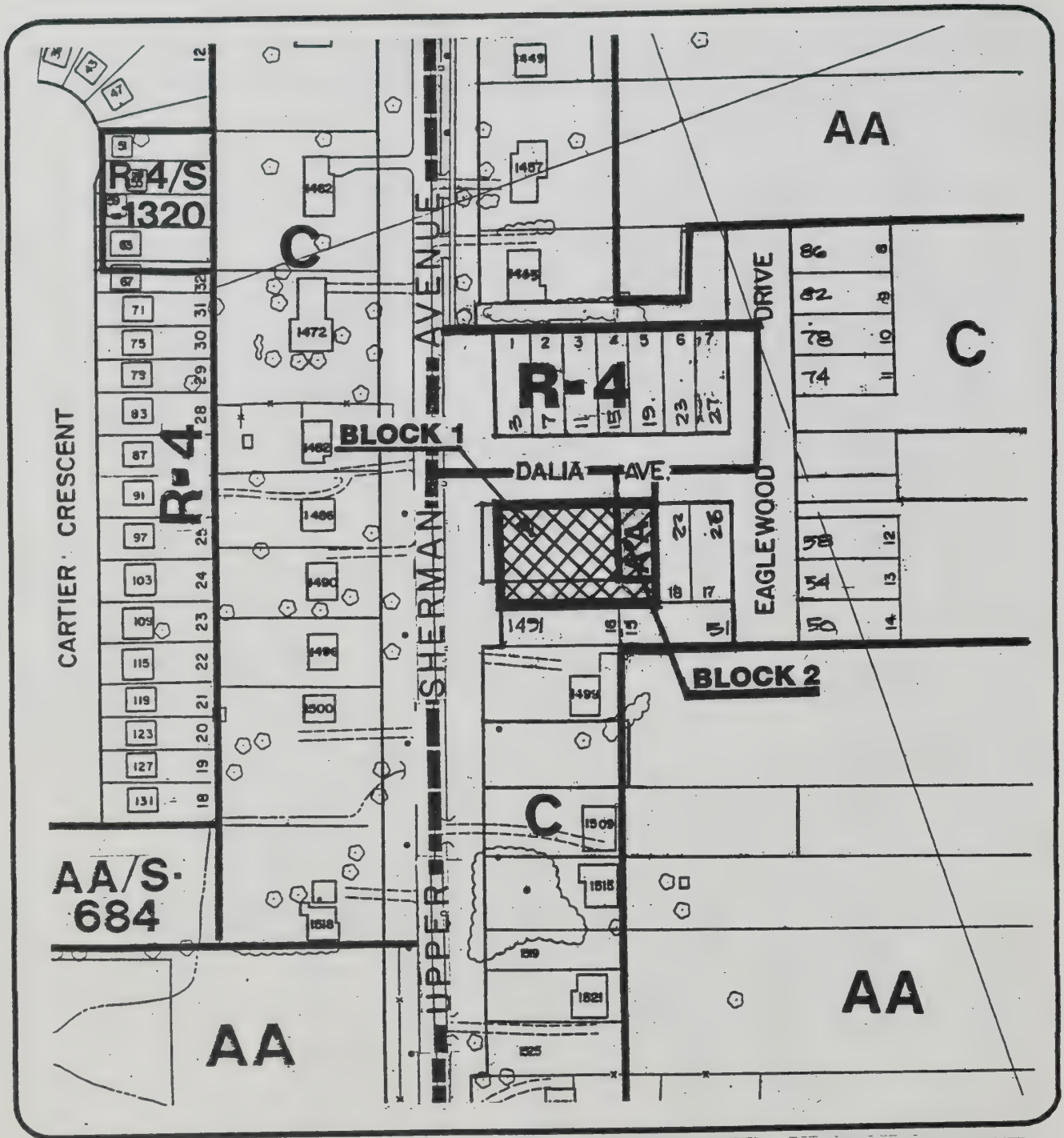
SUBJECT LANDS

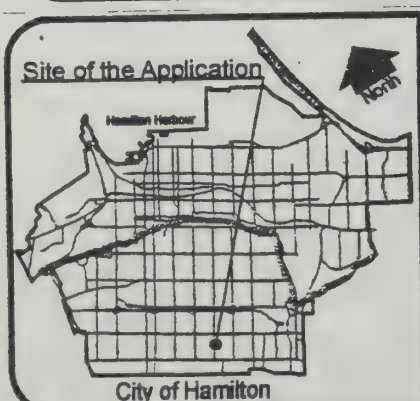
Reference file:	PLC-99-04
Scale	Not to Scale
Date	May,1999
Technician:	FAB

APPENDIX A


SCHEDULE
PART | LOCATION | PART OF PIN | AREA
1 | PART OF LOT 8 CONCESSION 8 | 16921-0107 | 12.50 m²
2 | | | 254.06 m²
3 | | | 266.55 m²
4 | | | 266.55 m²
5 | | | 266.55 m²
6 | BLOCK 19 PLAN 62M-829 | 16921-0155 | 85.12 m²
7 | | | 85.12 m²
8 | | | 85.12 m²
9 | | | 85.12 m²
PLAN 62R-
RECEIVED AND DEPOSITED:
DATE
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
APRIL 14, 1999
DATE
MIKE LONCAR
PLAN OF SURVEY OF
PART OF LOT 8 - CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
BLOCK 19-EAGLEVIEW ESTATES, PHASE 1
AND
REGISTERED PLAN No. 62M-829
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:250
0 5 10 metres
G. G. ALDWORTH O.L.S.
DALIA AVENUE (FORMERLY EAGLEWOOD DRIVE, ESTABLISHED BY REG'D PLAN No. 62M-829)
PIN 16921-0163
UPPER SHERMAN AVENUE
(STREET NAME ESTABLISHED ACCORDING TO BY-LAW No 9163 - REG'D. AS INST. No 145942 H.L.)
(ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9)
REGIONAL ROAD No 164
(CONSOLIDATING BY-LAW R-82-040)
BLOCK 22
(STREET WIDENING)
BLOCK 23
PIN 16921-0159
(STREET WIDENING)
LOT 1
LOT 2
REGISTERED
PLAN
LOT 3
LOT 4
No.
LOT 5
62M-829
PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
PART 9
CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
BLOCK 19
REG'D PLAN No. 62M-829
PIN 16921 - 0107
PIN 16921 - 0155
EXISTING ONE STOREY BRICK DWELLING No. 1487 (TO BE REMOVED)
LOT 16
PIN 16921-0154
REGISTERED PLAN No. 62M-829
LOT 16
PIN 16921-0152
REGISTERED PLAN No. 62M-829
LOT 15
PIN 16921-0151
62M-829
PART 1
PLAN 62R - 12331
PART 1
PLAN 62R-12814
PIN 16921-0168
46.64
N 71°20'50"W
N 18°28'00"E
22.86
30.16
11.66
7.30
17.86
±618.74
5.00
7.06
N 63°33'35"E
5.18
N 71°20'30"W
20.12
(NOT TO SCALE)
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
LEGEND:
SIGN THUS □ DENOTES A SURVEY MONUMENT PLANTED
SIGN THUS ■ DENOTES A SURVEY MONUMENT FOUND
IB DENOTES IRON BAR
SIB DENOTES STANDARD IRON BAR
SSIB DENOTES SHORT STANDARD IRON BAR
(912) DENOTES A. J. CLARKE O.L.S.
(655) DENOTES J. T. PETERS O.L.S.
(1243) DENOTES E. BARICH O.L.S.
(RHW) DENOTES REGION OF HAMILTON WENTWORTH
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERN LIMIT OF BLOCK 19 AS SHOWN ON REGISTERED PLAN No. 62M-829 HAVING A BEARING OF N 71° 20' 50" W
SURVEYOR'S CERTIFICATE:
1. I CERTIFY THAT:
THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT, AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE

APPENDIX "B"





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

BLOCK 1

Modification to the "C" (Urban Protected Residential, etc.) District

BLOCK 2

Change in Zoning from:

"AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, Modified

Reference file:	**ZAR-99-13**
Scale	**Not to Scale**
Date	**April, 1999**
Technician:	**B. B.**

APPENDIX "C"

B vii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 May 21
25T-89003(R)
Strathcona Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for Revised Draft Plan of Condominium – 400 York Boulevard

RECOMMENDATION:

(1) That approval be given to Revised Condominium Application 25CDM-89003(R) "400 York Boulevard", 1210800 Ontario Limited (Luft Enterprises Inc.), owner, to establish a revised draft plan of condominium, for an existing building known municipally as 400 York Boulevard, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan prepared by R. Avis Surveying Inc. and certified by R. Avis, O.L.S., dated July 31, 1998, showing a total of 33 apartment units;

ii) That the applicant apply for, and receive final approval for a revision to the approved site plan for the subject lands (DA-88-138);

iii) That final plan of condominium comply, in all respects, with the revised Site Plan for the subject lands;

iv) That the applicant satisfy all conditions of site plan approval applicable to the subject lands to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium;

v) That the final plan conform with the applicable provisions of the City of Hamilton Zoning By-law No. 6593;

vi) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act;

vii) That the Owner enter into an encroachment agreement, as required, with the Region of Hamilton-Wentworth for any existing facia and lighting fixtures which encroach into the York Boulevard road allowance, as widened;

x) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,

xi) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(2) That the Municipal Clerk be directed to advise the Director, Land Development, Community Planning and Development Division of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall consider an application for a revision to a draft approved plan of condominium

BACKGROUND:

Proposal

The application is for a revision to the draft approved plan of condominium. The revision is to delete the ground floor commercial units and replace them with residential units and to incorporate the parking lot located on Magill Street into the condominium description.

Zoning By-law Nos. 98-148 and 98-181

On April 28, 1998, City Council approved Zoning Application 98-05, to permit the conversion of the first floor of the existing building at 400 York Boulevard from commercial use to an additional seven (7) residential units and use the existing off-site lands located at 16 Magill Street for parking in conjunction with 400 York Blvd.

The four (4) storey building and eighteen (18) underground parking spaces that exist on lands municipally known as 400 York Boulevard (Block "1") was built upon two (2) parcels of land municipally known as 400 York Boulevard and 13 Magill Street. Previously, 13 Magill Street was to be used as seven (7) parking spaces for the

development. The applicant has indicated that these lands are no longer part of the their holdings (i.e. 400 York Boulevard and 13 Magill Street) never merged on title. Thus, the applicant/owner has purchased 16 Magill Street for additional off-site parking.

The subject lands were placed in a 'H' (Holding Zone) in By-law No. 98-148 until such time as the owner had registered a plan of condominium on the subject lands to ensure that the two parcels of land (the building and the parking area) were used in conjunction with each other and that the parking lot at 16 Magill St. was not sold off. However, due to a technicality, it was necessary to remove the holding symbol to enable the applicant to obtain a Building Permit to undertake the necessary interior works to prepare the condominium descriptions (i.e. the exclusive and common areas).

To protect the City's interest and to allow the Building Department to issue the necessary permits for interior renovations, the Legal Services Department advised that the 'H' symbol could be replaced with "Inhibiting Orders" pursuant to Section 23 of the Lands Title Act. The Inhibiting Orders prevent any other registration on title until such time as the condominium and site plan agreements have been registered. This would therefore prevent the owner of the lands from conveying the parking lot and will ensure that the lands (400 York Blvd. and 16 Magill St.) are used in conjunction with each other.

Site Plan Control Applications DA-87-40, DA-88-16 and DA-88-138

Site Plan Control Application DA-87-40 was approved on July 24, 1987, for a 4 storey building with underground parking. The ground floor was to be used for commercial purposes (430.0 m^2) and the remaining three (3) storeys were to be used for apartment units with a combined gross floor area of approximately 1,690.22 m^2.

A second Site Plan Control Application (DA-88-16), was submitted for the subject lands and approved on May 13, 1988. The purpose of DA-88-16 was to modify the approved plans and drawing of DA-87-40 to reduce the number of residential apartment units from twenty (22) to eighteen (18), and reduce the parking available from twenty-three (23) spaces to eighteen (18) spaces. The proposed ground floor commercial component was retained.

Subsequently, a third Site Plan Control Application (DA-88-138) was submitted. This application was to modify the approved plans and drawings of DA-88-16 and DA-87-40. DA-88-138 was approved on May 10, 1989. The applicant, at that time, indicated that the adjacent lot, known as 13 Magill Street was purchased and wished to apply the "E" zoning criteria to permit an additional floor and (7) seven parking spaces to the development at 400 York Blvd. The development would consist of four (4) storeys having a maximum gross floor area of 2,485.52 m^2 (i.e. 343.60 m^2 of commercial floor area on the ground floor) and remaining gross floor area would be for residential units.

APPLICANT:

1210800 Ontario Ltd. (Luft Enterprises Inc.).

SURVEYOR:

R. Avis, O.L.S., R. Avis Survey Inc.

LOT SIZE AND AREA:

The subject lands are comprised of two parcels of land. The lands on which the residential units are located is irregular in shape and has:

- 51.15 m of lot frontage along York Blvd.;
- a maximum lot depth of 30 m; and
- a lot area of 1,177 m^2.

The lands to be used as the parking area are rectangular in shape and have:

- 23.11 m of lot frontage on Magill Street;
- 33.83 m of lot depth; and
- a lot area of 781 m^2.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Residential	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified and G-3" (Public Parking Lots) District
Surrounding Land Use		
To the north	Single Detached Dwellings and Row Houses	"D" (Urban Protected Residential, etc. – One and Two Family) District
To the south	Residential – Multiple Dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

To the west	Commercial	"H" (Community Shopping and Commercial, etc.) District
To the east	Commercial Office	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" and "COMMERCIAL" on Schedule "A" of the Official Plan. The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" and "Commercial" in the approved Strathcona Neighbourhood Plan. The proposed revised plan of condominium complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Department, Transportation, Operations and Enforcement Division has advised of the following:

  "Please be advised that we have reviewed the above application and find it satisfactory."

- The Building Department, Community Planning and Development Division has advised of the following:

  "A site plan showing the current conditions must be reviewed for comment, as the Site Specific By-law pertains mainly to site requirements. Given the circumstances of the application, there should be little or no change from the previously approved DA-88-138."

- The Development Engineering Section, Community Planning and Development Division has advised of the following:

  "INFORMATION

  1) Any works which may occur within the adjacent road allowances must conform to the respective Street By-law.

  2) There are existing Municipal sewers on York Boulevard and Crooks Street to service this development.

3) There is an existing Municipal watermain available to service this development directly.

RECOMMENDATION

1) That the applicant/owner enter into an encroachment agreement, as required with the Region of Hamilton-Wentworth for any existing fascia and lighting fixtures which encroach into the York Boulevard road allowance, as widened.

The submitted plan, as prepared by R. Avis, O.L.S., stamped with the date July 31, 1998, is satisfactory to the Community Planning and Development Division subject to the above noted comments."

COMMENTS:

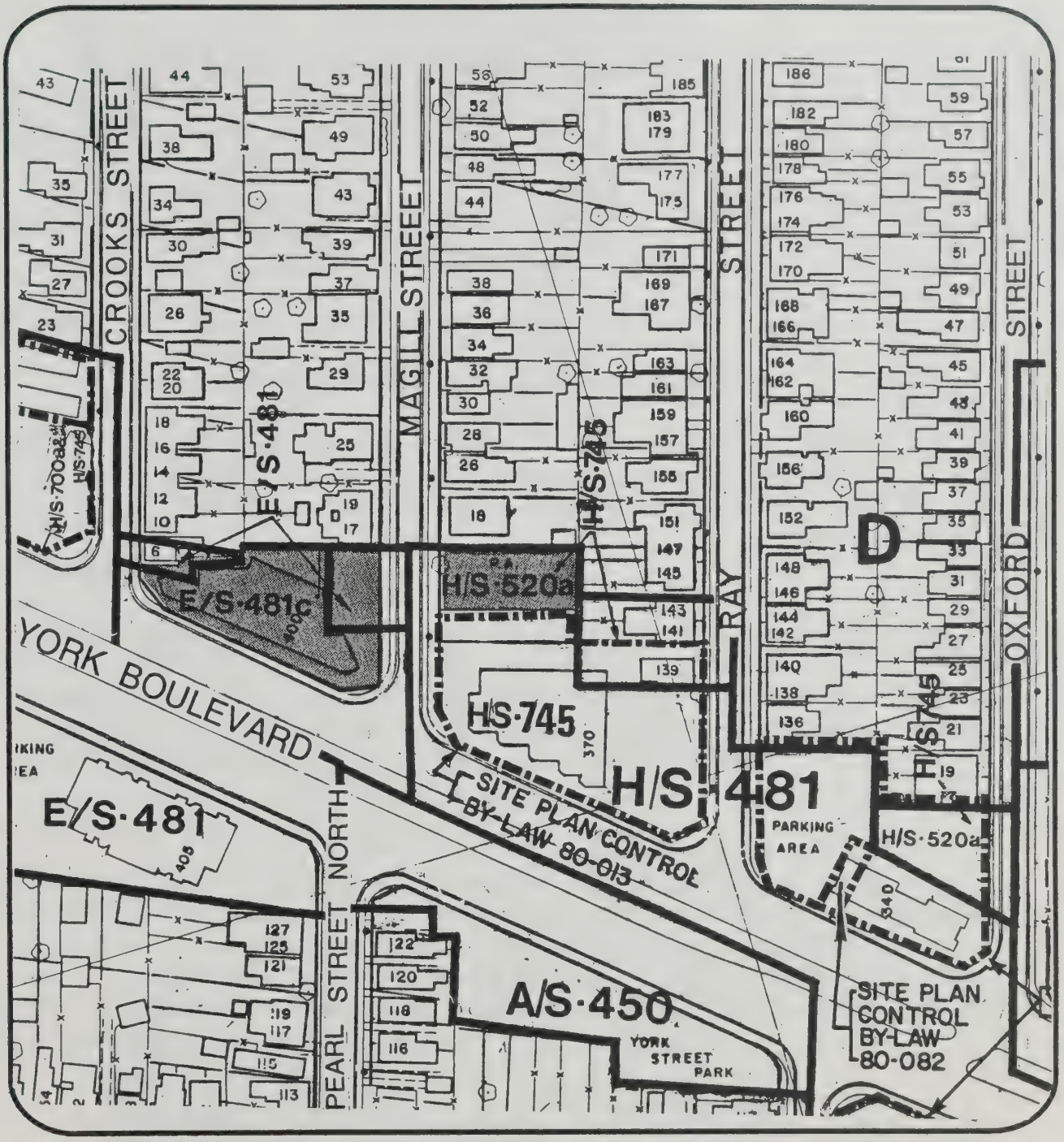
1. The proposal complies with the general intent of the Official Plan and approved Strathcona Neighbourhood Plan.

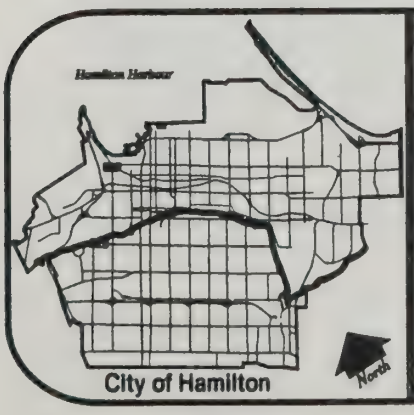
2. The proposed revised plan of condominium does not comply with the building elevations, parking and loading space locations and layout as shown on the approved site plans for the subject lands. In this regard and as a condition of draft plan approval, the applicant should be required to make an application for an amendment to the approved site plan for the subject lands (DA-87-40 as amended by DA-88-16 and DA-88-138).

CONCLUSION:

Based on the foregoing, the application can be supported.

25T-83005(R).doc
SR/sr





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

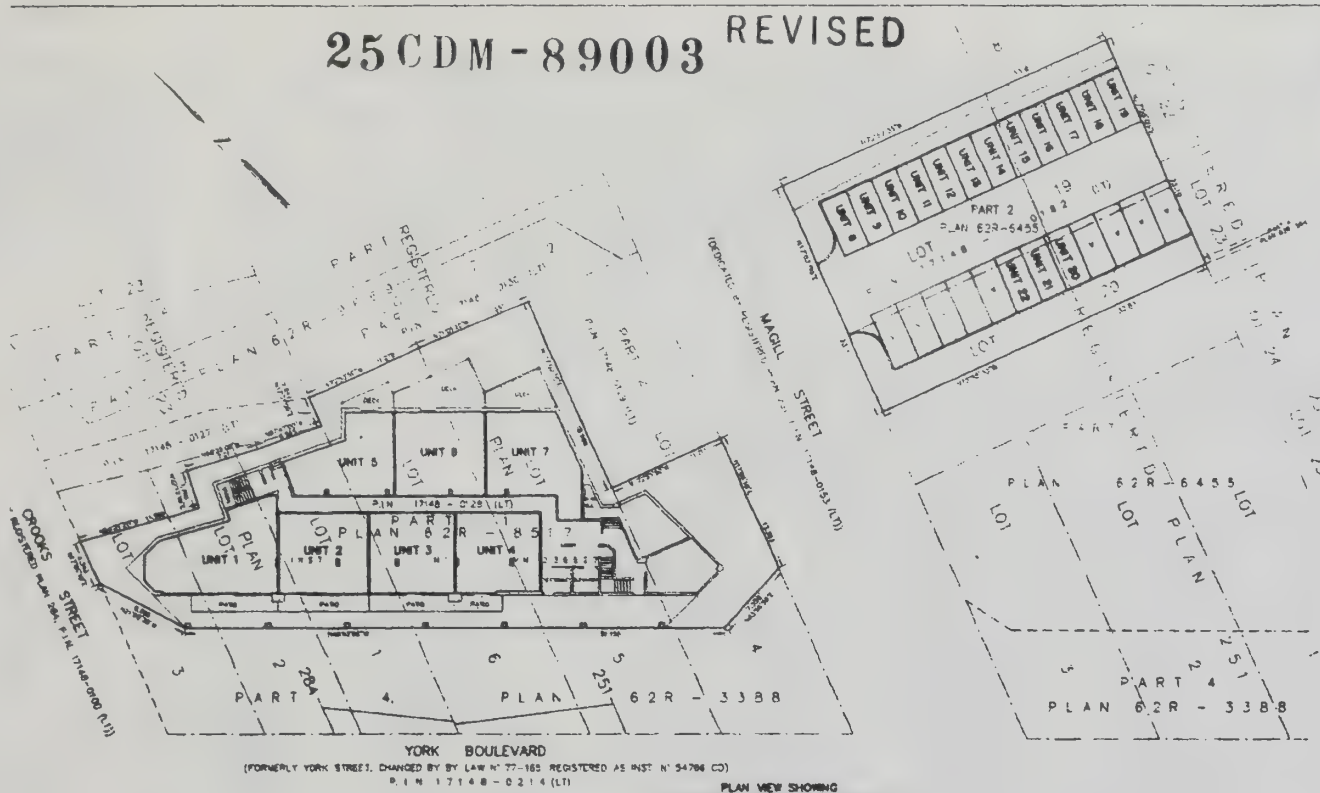
Legend

SUBJECT LANDS

Reference file:	CDM-89003(R)
Scale	Not to Scale
Date	May,1999
Technician:	FAB

APPENDIX A

25CDM-89003 REVISED



PLAN VIEW SHOWING
RESIDENTIAL UNITS 1 TO 8 INCLUSIVE
ON LEVEL 4

PLAN VIEW SHOWING
RESIDENTIAL UNITS 1 TO 7 INCLUSIVE
AND PARKING UNITS 8 TO 22 INCLUSIVE
ON LEVEL 1

PLAN VIEW SHOWING
RESIDENTIAL UNITS 1 TO 9 INCLUSIVE
ON LEVEL 2

PLAN VIEW SHOWING
PARKING UNITS 1 TO 15 INCLUSIVE
AND LOCKER UNITS 16 TO 36 INCLUSIVE
ON LEVEL A

PLAN VIEW SHOWING
RESIDENTIAL UNITS 1 TO 9 INCLUSIVE
ON LEVEL 3

REPRESENTATIVE SECTION SHOWING THE
RELATIONSHIP OF LEVELS

DRAFT PLAN OF CONDOMINIUM

PART OF LOTS 1, 2 AND 3
REGISTERED PLAN 284
AND
LOT 19
PART OF LOTS 4, 5, 6 AND 20
REGISTERED PLAN 251
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

SCALE 1 : 200

R. AVIS SURVEYING INC.

METRIC

PLANNING ACT INFORMATION (SECTION 3 (2))
SEE DRAFT PLAN AND KEY PLAN FOR ITEMS A,B,E,F,G AND J

A. MUNICIPAL PIPED WATER IS AVAILABLE ON ADJACENT STREETS

B. [illegible]

C. MUNICIPAL STORM AND SANITARY SEWERS ARE AVAILABLE ON ADJACENT STREETS

D. THERE ARE NO EASEMENTS

NOTES AND LEGEND

SITE STATISTICS

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE SUBMISSION OF THIS PLAN FOR APPROVAL

OWNER 1210800 ONTARIO LIMITED

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

R. AVIS

R. AVIS SURVEYING INC.

SUITE 104
194 CONSUMERS ROAD
WILLOWDALE, ONTARIO
M2J 1P8

TEL (416) 490-8332 FAX (416) 490-8335

DRAWN BY: KC
PROJECT No. 1301-0
DRAWING No. 13-1-DFP

APPENDIX "B"

B viii)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 June 17
DA-95-21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, M.C.I.P., R.P.P.
General Manager
Community Planning and Development Division

SUBJECT: Request for a further one (1) year extension for the approval of Site Plan Control Application DA-95-21 for an addition to the existing development for St. Peter's Hospital, 88 Maplewood Avenue.

RECOMMENDATION:

That approval be given to the request by St. Peter's Hospital, owner, at 88 Maplewood Avenue, as shown on the attached map marked as Appendix "**A**", for a further extension to the approval of Site Plan Control Application DA-95-21 to May 30, 2000, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control.

EXPLANATORY NOTE:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part or where a Building Permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. The approval of DA-95-21 ceased on May 30, 1999. The St. Peter's Hospital has requested a further extension of this time limit and has indicated that a further one (1) year extension would be sufficient.

Guy Papadopoulos
for LAC

FINANCIAL IMPLICATIONS:

N/A.

BACKGROUND:

Site Plan Control Application DA-95-21 received approval on May 30, 1996. The site plan approval deals primarily with the replacement of the south wing of the hospital facility. However, to date, no building permit has been issued.

In April 1998 St. Peter's Hospital requested an extension to the approval of Site Plan Control Application DA-95-21 until May 30, 1999, which was granted by the Planning and Development Committee and City Council on May 6,1998, and May 12, 1998, respectively. At that that time the applicant indicated that in the fall of 1997 the provincial Health Services Restructuring Commission (HSRC) released its Interim Report on the Hamilton Region recommending, among other things, that St. Peter's Hospital be closed but then revised the recommendations to provide for an alliance between St. Peter's Hospital, the Hamilton Health Sciences corporation and St. Joseph's Hospital. This led to a coordinated response from St. Peter's Hospital, the Hamilton Health Sciences Corporation and the Region of Hamilton-Wentworth on the provision of chronic and long term care services to the Region.

It has yet been determined precisely where the complex continuing care hospital beds for the alliance will be located. In light of the uncertainty, they are requesting that the City extend the approval for another year; that is, until May 30, 2000.

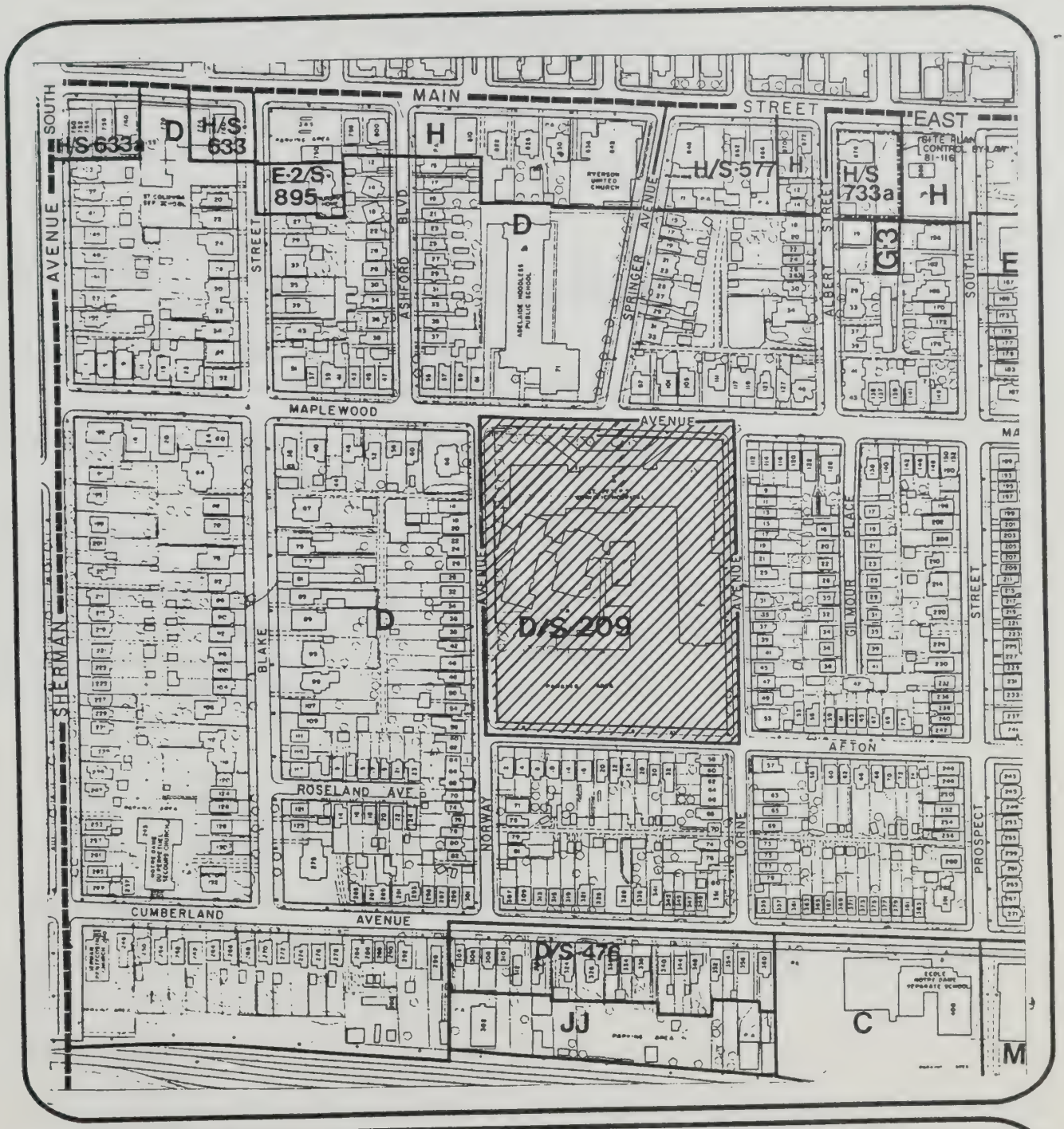
There are no changes proposed to the approved plans and drawings. Furthermore, the Law Department has verbally advised that they have no concerns respecting the extension.

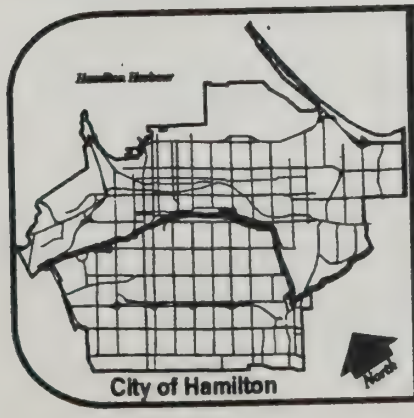
COMMENTS:

Under By-law No. 87-150, Section 3 indicates that where no facilities or works have been provided in whole or in part, or where a building permit has not been issued within two years from the date of approval of the plans and drawings, the approval shall cease. City Council approval is therefore required to modify the time frame. Since no changes are proposed to the approved application, it is recommended that a one (1) year extension be granted.

At the end of this one (1) year period, if no Building Permit has been issued, it is recommended that a new application be submitted for the approval of development plans.

JL/ns





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of the Application

Reference file:	DA-95-21
Scale	Not to Scale
Date	JUNE, 1999
Technician:	FAB
	APPENDIX A

C i)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Michael J. Schuster
General Manager, Social and Public Health Services Division

SUBJECT: Community Heritage Trust Program
256 MacNab Street North, Hamilton

RECOMMENDATION:

That a loan under the Community Heritage Trust Fund Program in the amount of two thousand, eight hundred and sixty-one dollars ($2,861) to Ms. Helen Kirkpatrick for improvements to 256 MacNab Street North, Hamilton, be approved, subject to the fulfillment of the requirements of the program.

M. J. Schuster

Michael J. Schuster, General Manager

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of $2,861 will be funded from the Community Heritage Trust Fund, the uncommitted balance of which is $452,205.93.

BACKGROUND:

The Community Heritage Trust Fund was established by the City and the Province as a municipally administered loan program to provide assistance to owners of properties designated under the Provincial Heritage Act. 256 MacNab Street North was designated under Part IV of the Ontario Heritage Act in 1989.

Ms. Helen Kirkpatrick, the owner of the property, has applied under the terms of the above program to repaint the exterior of the house, and to re-glaze the windows. As per the terms of the program, Heritage Planning staff have reviewed the estimates for the work to be undertaken, and based on the list of eligible projects previously approved by the Local Architectural Advisory Committee (L.A.C.A.C.), support the above recommendation.

In the past the owner has received Designated Property Grants for a total of $1,090 for exterior repairs. No grants have been available since the termination of the Provincial Designated Property Grant Program in 1995.

Staff recommends that a Community Heritage Trust Fund Loan in the amount of $2,861 be approved. In accordance with program requirements, a promissory note and lien provide loan security. The loan will be amortized for ten (10) years at zero per cent interest and the monthly payment will be $23.84.

MJS/MM/dk

Cc R. Camani, Finance Division
D. Powers, Legal Services
N. Chapple, Community Planning and Development
M.V. Mascarenhas, Housing and Shelter Branch

C(1)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Michael J. Schuster
General Manager, Social and Public Health Services Division

SUBJECT: Community Heritage Trust Program
258 MacNab Street North, Hamilton

RECOMMENDATION:

That a loan under the Community Heritage Trust Fund Program in the amount of two thousand, eight hundred and sixty-two dollars ($2,862) to Mr. Thomas Baker for improvements to 258 MacNab Street North, Hamilton, be approved, subject to the fulfillment of the requirements of the program.

M.J. Schuster

Michael J. Schuster, General Manager

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of $2,862 will be funded from the Community Heritage Trust Fund, the uncommitted balance of which is $452,205.93.

BACKGROUND:

The Community Heritage Trust Fund was established by the City and the Province as a municipally administered loan program to provide assistance to owners of properties designated under the Provincial Heritage Act. 258 MacNab Street North was designated under Part IV of the Ontario Heritage Act in 1989.

Mr. Thomas Baker, the owner of the property, has applied under the terms of the above program to repaint the exterior of the house, and to re-glaze the windows. As per the terms of the program, Heritage Planning staff have reviewed the estimates for the work to be undertaken, and based on the list of eligible projects previously approved by the Local Architectural Advisory Committee (L.A.C.A.C.), support the above recommendation.

In the past the owner has received Designated Property Grants for a total of $1,090 for exterior repairs. No grants have been available since the termination of the Provincial Designated Property Grant Program in 1995.

Staff recommends that a Community Heritage Trust Fund Loan in the amount of $2,862 be approved. In accordance with program requirements, a promissory note and lien provide loan security. The loan will be amortized for ten (10) years at zero per cent interest and the monthly payment will be $23.85.

MJS/MM/dk

Cc R. Camani, Finance Division
D. Powers, Legal Services
N. Chapple, Community Planning and Development
M.V. Mascarenhas, Housing and Shelter Branch

(iii)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Michael J. Schuster
General Manager, Social and Public Health Services Division

SUBJECT: Downtown Convert/Renovate-to-Residential Loan Program
Core Heritage 2000 Program
129 Rebecca Street, Hamilton

RECOMMENDATION:

a) That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of two hundred and forty-five thousand, one hundred and forty dollars ($245,140) to 1333664 Ontario Inc., (Mike Valvasori and Dave Valvasori), for conversion of 129 Rebecca Street into 19 residential units be approved, subject to the fulfillment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program.

b) That a grant, for façade improvements, under the Core Heritage 2000 Program in the amount of twenty thousand, two hundred and ninety four ($20,294) to 1333664 Ontario Inc., (Mike Valvasori and Dave Valvasori) of 129 Rebecca Street, be approved, subject to the fulfillment of the requirements of the Core Heritage 2000 Program.

M. J. Schuster

Michael J. Schuster, General Manager

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan of $245,140 is to be funded from the Downtown Convert/Renovate-to-Residential Loan Program, the current uncommitted balance of which is $1,175,800.

The grant of $20,294 is to be funded from the Core Heritage 2000 Program, the current uncommitted balance of which is $385,560.

BACKGROUND:

As part of "downtown revitalization", the City and Region have contributed funds for the establishment of the Downtown Convert/Renovate-to-Residential Loan Program. The intent of this Program is to increase housing in the downtown by financially assisting with the conversion of non-residential or unused space in commercial buildings into apartments. The Program provides an interest free loan of $20 per square foot up to a maximum of $20,000 per unit, for a ten year term. The owners, 1333664 Ontario Inc., have applied for assistance under this program. They wish to convert a former drop-in centre and offices at 129 Rebecca Street into 19 residential units.

The Core Heritage 2000 Program is a matching grant program intended to assist the owners of buildings located in the area defined in the Downtown Hamilton Community Improvement Plan (Queen Street to Victoria Avenue; Cannon Street to Hunter Street) with the restoration and improvement of their street façades. The program requires the proponent to match, dollar for dollar, the cost of improvement.

Buildings with a frontage of up to 40 feet are eligible to receive one matching grant, to a maximum of $20,000; those with a frontage exceeding 40 feet are eligible to receive an additional $500 per linear foot to a maximum of $75,000. Buildings designated under the Ontario Heritage Act are eligible to receive an additional $5,000 matching grant.

The owners have applied under the terms of the above program to undertake façade restoration and improvements. The proposed work is based on a list of eligible projects approved by LACAC, in accordance with the program guidelines, and the Heritage Planning staff concurs with this application. The scope of work for this grant includes the replacement of windows; restoration of the front entrance; chemical cleaning of the front façade masonry; and masonry repairs.

The overall cost estimate for improvements to this property is $519,155; $245,140 is to be funded through the Convert/Renovate-to-Residential Loan Program; $20,294 is to be funded through the Core Heritage 2000 Program, and the remainder, $253,721, is to be funded by the owner.

Staff has reviewed the application and supports the loan and grant. The loan of $245,140 will be amortized over a ten- (10) year period at 0 per cent interest. The monthly repayments will be $2,042.83 and a promissory note and a lien will be provided by the applicant as security for the loan. Staff also recommends that a grant be given under the Core Heritage 2000 Program in the amount of $20,294.

MJS/MM/dk

Cc Ray Camani, Finance Department
Dave Powers, Legal Services
Mark V. Mascarenhas, Housing and Shelter Branch

Civ)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1999 June 4

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Michael J. Schuster
General Manager, Social and Public Health Services Division

SUBJECT: Commercial Property Improvement Loan Program
Loan Increase
415 Barton Street East, Hamilton

RECOMMENDATION:

a) That the original loan of fifteen thousand, nine hundred dollars ($15,900) to Alcino Duarte, for improvements to 415 Barton Street East, be increased by six thousand, nine hundred and fifty dollars ($6,950), totalling twenty-two thousand, eight hundred and fifty dollars ($22,850), subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program.

b) That a grant increase from the Barton Street Revitalization Fund in the amount of three thousand, four hundred and seventy-five dollars ($3,475) be utilized to pay-down this loan increase as per the terms of the Barton Street Revitalization Program.

M.J. Schuster

Michael J. Schuster, General Manager

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The loan increase of $6,950 is funded from the Commercial Property Improvement Loan Program, the current balance of which is $606,266. The grant increase is funded from the Barton Street Revitalization Fund the current uncommitted balance of which is $29,460.

BACKGROUND:

City Council at its meeting held 1998 September 29 approved a loan application under the subject program in the amount of $15,900. The owner has since met the criteria for additional work costing $6,950 that has been reviewed and found acceptable.

It is therefore recommended that the owner's application be increased from $15,900 to $22,850. The grant portion will increase from $7,950 to $11,425. In accordance with program requirements, loan security is provided by a promissory note and lien; with the loan amortized for ten (10) years at zero per cent interest, for a total new monthly payment of $216.80.

MJS/MM/dk

Cc R. Camani, Finance Department
D. Powers, Legal Services

CITY OF HAMILTON

D.

- RECOMMENDATION -

DATE: June 15, 1999

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Nomination for Ontario Heritage Foundation's Heritage Community Recognition Award

RECOMMENDATION:

That Rev. Dr. T. Melville Bailey be nominated as the City of Hamilton's nominee for the 1999 Ontario Heritage Foundation's Heritage Community Recognition Award in recognition of his commitment and achievements in the areas of research/documentation and advocacy for the preservation of Hamilton's cultural and built heritage.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The City of Hamilton has been invited to participate in the Ontario Heritage Foundation's fourth Annual Heritage Community Recognition Program to recognize the commitment and achievements of individuals who have made lasting contributions to conservation in the areas of built, natural or cultural heritage.

The City has participated in this Program for the past two years, nominating Robert Brough and former Alderman William McCulloch, for this prestigious Award.

Both the Hamilton Historical Board and the Local Architectural Conservation Advisory Committee have endorsed this recommendation given Rev. Dr. Bailey's contributions to Dundurn Castle, the MacNab Circle, as well as his role in leading the fight to preserve the former estate of The Honourable Isaac Buchanan, known as *Auchmar*, 88 Fennell Avenue West.

cc Marilynn Havelka, Culture and Recreation Department
Nina Chapple, Planning and Development Department

E

CITY OF HAMILTON

- RECOMMENDATION -

DATE: June 17, 1999

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary, LACAC re: Minutes of the meeting held April 12, 1999, dated May 18, 1999.

(b) Community Services and Public Health Committee Report re: Municipal Children's Strategy dated April 27, 1999.

(c) General Manager, Community Planning and Development Division re: Approved Site Plan Control Applications dated June 4, 1999.

(d) General Manager, Community Planning and Development Division re: Design and Economic Strategies- Downtown Secondary Plan dated June 17, 1999.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN
MUNICIPAL

CA4 ON HBL A05
C51P4
1999



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

JUN 28 1999

GOVERNMENT DOCUMENTS

Tuesday, June 29, 1999
7:00 o'clock p.m.
Room 233, City Hall

T Agnello

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. PRIVATE AND CONFIDENTIAL AGENDA

2. ADJOURNMENT

CA4 ON HBL A05
C51P4
1999

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

AUG 12 1999

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, August 11, 1999
9:30 o'clock a.m.
Council Chambers, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 99-16, by Mark Pellinini, prospective owner, for a change in zoning from "HH" District to "C" District for lands located at the north west corner of Upper James Street and Limeridge Road West (formerly 1078 Upper James Street). (PDC99038)

2. Zoning Application 99-14, by H. & R. Wein Construction Inc., owner, for a change in zoning from "D" District to "DE" District, modified for property located at 54 and 56 Alanson Street. (PDC99045)

   Submission : (a) Anne McVittie, 60 Alanson Street, Hamilton

3. Zoning Application 99-17, by Robert Shelley Construction Ltd., owner, for a change in zoning from "AA" District to "C" District (Blocks "1" and "2") for property located north of Rymal Road East fronting on Eaglewood Drive. (PDC99044)

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 99-21, by Paul Silvestri, owner, for a change in zoning from "AA" District to "R-4" District, for lands located at the north-west corner of Rymal Road East and Upper Wellington Street, fronting onto the future extension of Marilyn Court. (PDC99047)

5. Zoning Application 99-20, by Carol Fazzari, owner, for a change in zoning from "C" District to "HH" District, modified, for lands located at 1359 Upper James St. (PDC99039)

6. City Initiative 99-C, Proposed Official Plan Amendment for lands located at Nos. 505 to 537 Queenston Road and modifications in zoning for lands located at 509 and 531 Queenston Road. (PDC99036)

   Submission: (a) Anthony DeSantis Jr., 8 Main Street East, Suite 202, Hamilton

PUBLIC MEETINGS – 10:00 O'CLOCK A.M.

7. Zoning Application 99-19, by Extendacare Inc., prospective owner, for a further modification to the established "DE-3" – "H" District, to permit the use of the subject lands for nursing home for lands located west of Chedmac Drive. (PDC99046)

8. Zoning Application 99-23, by Hamilton-Burlington & District Real Estate Board, owner, for a change in zoning from "L-mr-2" District, modified (Block "1") and "L-mr-2" District (Block "2") to "G-3" District, for lands located at 39-41 Devonport Street. (PDC99040)

9. Neighbourhood Plan Amendment – East Mountain Industrial Business Park. (PDC99041)

10. Amendment to the Downtown Hamilton Community Improvement Plan to Authorize a "Tax Incentive Program for Designated Heritage Buildings within the Downtown Core". (PWT99031)

PUBLIC MEETINGS – 10:15 O'CLOCK A.M.

11. City Initiative 96-I, Zoning By-Law Amendment – Elimination of Residential Parking and Loading requirements in the Downtown. (PDC99042)

12. GENERAL MANAGER, COMMUNITY PLANNING & DEVELOPMENT

(a) Amendments to the Tax Incentive Program for Designated Heritage Buildings in the Downtown Core

(b) Tax Incentive Program for Designated Heritage Buildings- Lister Block Application

(c) Open for Business Policy (PDC99037)

(d) Request for Reduction in Security Requirements, under site Plan Control - 1800 King Street East (PDC99054)

13. SECRETARY, LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Bellevue, 14 Belvidere Avenue – Building Permit Regulations

14. MCMASTER UNIVERSITY AREA NIEGHBOURHOOD TASK FORCE

Phase 1 Implementation of the Final Report (MTF99002)

15. CONSENT AGENDA

16. PRIVATE AND CONFIDENTIAL AGENDA

17. OTHER BUSINESS

18. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
3	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
4.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
5.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
6.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
7.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
8.	SA-98-03 and ZAC-98-32, Fennell Avenue West	1998 December 2	Proponents to Meet with Staff and Ward Aldermen	Tabled
9.	Radial Separation for residential and short term Facilities	1998 December 2	Staff to prepare report	Report Pending
10.	Detention centre as use in H district	1998 December 2	Staff to prepare report	Report pending
11.	Request for Parkland Credit-Starward Homes and development of Policy regarding Stormwater Ponds	1998 December 2	Staff to prepare a report	Report Pending
12.	Referral from Committee of the Whole- Increase in Beds or Services at 94 York Blvd.	February 17, 1999	Tabled pending staff report	Report Forthcoming August 4, 1999

CITY OF HAMILTON

1.

- RECOMMENDATION -

DATE: 1999 July 21
ZAR-99-16
Yeoville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for rezoning – North-west corner of Upper James and Limeridge Road (formerly 1078 Upper James Street) (PDC99038)

RECOMMENDATION:

(a) That approval be given to **Zoning Application ZAR-99-16, by Mark Pillinini,owner,** for a change in zoning from "HH" (Restricted Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District, to permit the development of a single family dwelling in conjunction with adjacent lands to the west, for lands located at the north-west corner of Upper James Street and Limeridge Road (formerly known as 1078 Upper James Street), as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "HH" (Restricted Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, be further amended only to the extent of the following special requirement:

(a) access to the subject lands shall only be provided from Limeridge Road West.

(iii) That the amending By-law be added to Section 19 of Zoning By-law No. 6593, as Section S- , and that the subject lands on Zoning District Map W-9A be notated S- ;

(iv) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9A for presentation to Council;

(v) That upon approval of the Zoning By-law Amendment, the Yeoville Neighbourhood Plan be amended to redesignate the subject lands and the adjacent lands to the west, from "Commercial" to "Residential"; and,

(vi) The proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the amending by-law not be forwarded to City Council for approval until the applicant has:

(i) submitted a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOE), to the satisfaction of the Region and the MOE, including an acknowledgement of the receipt of the RSC by the MOE;

(ii) submitted a noise assessment study to the Region investigating noise levels impacting the proposed development and recommending noise control measures (if applicable), with said study and noise control measures to the satisfaction of the Region; and,

(iii) agreed to include in an agreement of purchase and sale, and register on title the following noise warning clause for the subject lands, if recommended in the noise assessment study, or at the request of the Region:

"Purchasers are advised that despite the inclusion of noise control measures within the development area and within the individual building unit, noise levels may become of concern, occasionally interfering with some activities of the occupants."

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning for lands located at the north-west corner of Upper James Street and Limeridge Road (formerly known as 1078 Upper James Street), as shown on the attached map marked as APPENDIX "A", from "HH" (Restricted Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District.

The effect of the by-law is to permit the development of the subject lands for a single family dwelling, in conjunction with adjacent lands to the west. In addition, the by-law provides for the following variance as a special requirement:

- access to the subject lands shall only be from Limeridge Road West.

LeeAnn Carmichael.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

BACKGROUND:

Proposal

The applicant is proposing to develop the lands, in conjunction with the adjacent lands to the west, for a single-family dwelling. The subject lands are part of a larger parcel the applicant purchased from the Region and which will be developed for a total of three (3) single family dwellings (see APPENDIX "B" attached).

APPLICANT:

Mark Pillinini, owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- A frontage of 2.08 m on Limeridge Road;
- A depth of 44.5 m; and,
- A lot area of approximately 534 m^2.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"HH" (Community Shopping and Commercial) District
Surrounding Lands		
To the north and east	Commercial	"HH" (Community Shopping and Commercial) District
To the south	Freeway ramp	"C" (Urban Protected Residential, etc.) District
To the west	Vacant and single family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule 'A' – Land Use Concept of the Official Plan. Residential uses are permitted in the "Commercial" designation subject to the following policies, amongst others:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for

Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

d) satisfy the provisions of Subsections A.2.1 and C.7.

A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy A.2.2.1 and any other related policies as set out in this Subsection.

C.4.9 Council recognizes the Ministry of Environment and Energy's concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development/redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and/or the implementing Zoning By-law:

(i) require the proponents to submit to the Ministry of Environment and Energy, in accordance with that Ministry's requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site. If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-up of sites in Ontario, (as may be amended). This plan will be submitted to the Ministry for approval;

(ii) ensure that, where remedial action plans are required by the Ministry of Environment and Energy, no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed. In this regard, Council will utilize means such as Site Plan Approval, the "H" (Holding zone provision), etc., as a means to prohibit development; and,

(iii) require, in accordance with Ministry requirements, the proponent to submit documentation on previous uses of the property with the application for development/redevelopment to the City for circulation to the Ministry .

C.9.7 Council will require developers of proposed residential developments adjacent to the Redhill Creek Expressway to provide evidence that noise levels in outdoor recreation spaces meet the objective of 55 dBA. Residential and institutional development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 60 dBA. Council will not require the incorporation of noise mitigation measures where noise levels are predicted to be, at or below 55dBA.

C.9.10 Where noise levels for the Redhill Creek Expressway, rail lines and inter-regional highways are expected to exceed 55 dBA in outdoor recreational spaces after the implementation of sound attenuation measures, Council will require, as a condition of approval of proposed residential development, that future tenants, purchasers are advised that, despite the inclusion of noise control measures, noise levels may become of concern, occasionally interfering with some activities of the occupants. Such a warning provision will be required to be included as a clause in a lease or rental agreement; agreement of purchase and sale; development agreement; and subdivision agreement."

Based on the foregoing the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Yeoville Neighbourhood Plan. Approval of the application will necessitate a redesignation to "Single and Double" residential. It should be noted that the adjacent lands to the west, (which are zoned "C" (Urban Protected Residential, etc.) District) are also designated "Commercial" in the Neighbourhood Plan. Since these lands are also to be developed for single family dwellings, it is appropriate to redesignate the lands for "Single and Double" residential.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority and Public Works and Traffic Department have no comment or objection.

- The Community Planning and Development Division (Building) advises:

  "1. The land to be merged with adjoining lands.

  2. Each lot must provide a minimum lot width of 12.0m and a minimum lot area of 360.0m^2."

- The Community Planning and Development Division (Development Engineering) advises:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  The Region previously acquired all the required road allowance widenings adjacent to the subject lands.

  Direct access to Upper James Street will not be permitted from lands to be rezoned and this must be specified in the Zoning By-law amendment.

  Access to proposed Lot 3 must be located at the westerly limits of the lot to ensure that the access has frontage on the constructed cu-de-sac bulb. Access to Lot 2 should be located at the west side of the lot to eliminate any possible access overlaps at the curb line with Lot 3.

  In the absence of any details shown we advise that any works within the adjacent road allowances must conform to the respective Streets By-laws."

- The Community Planning and Development Division (Development Planning) advises:

  "REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and "High Density Mixed-use Corridors", in the Hamilton-Wentworth Official Plan (HWOP).

  Provided the proposed rezoning conforms with the City of Hamilton Official Plan and Secondary Plan for this area, the proposed development does not conflict with the intent of the HWOP. However, since the previous use of the subject lands was a service station, potential exists for site contamination. As such, since residential development is proposed for the subject lands, the proposal must conform to Policy B-2.3 "Contaminated site Remediation", of the HWOP.

  PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this

statement. Since the previous use of the subject lands was a service station, which has potential for site contamination, and abuts the interchange of the Lincoln Alexander Expressway and Upper James Street, which has potential for traffic noise impact on the proposed residential development, the application requires further demonstration of how it has regard for the following PPS policies:

1. Efficient, Cost-effective Development and Land Use Patterns

1.1 Development Strong Communities

1.1.1 Subject to the provisions of Policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:

f) Development and land use patterns which may cause environmental or public health and safety concerns will be avoided;

1.1.3 Long term prosperity will be supported by:

g) planning so that major facilities (such as transportation corridors & industries) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

3. Public Health and Safety

3.2 Human-made Hazards

3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, prior to the approval of the proposed Zoning By-law amendment, the proposal should be subject to the following:

1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

2) Completion by a qualified consultant of a noise assessment study investigating noise levels impacting the proposed development and recommending noise control measures (if applicable), with said study and noise control measures being to the satisfaction of the Region.

3) If recommended in the noise assessment study, or at the request of the Region, the owner agree to include in every agreement of purchase and sale, and register on title the following noise warning clause for the three proposed residential units:

"Purchasers are advised that despite the inclusion of noise control

measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. Approval of the application will require the redesignation of the subject lands, and the adjacent lands to the west, from "Commercial" to "Single and Double" residential in the approved Yeoville Neighbourhood Plan.

3. The application has merit and can be supported on the following basis:

   - It is appropriate infill development for this land deemed surplus to the Region for the Freeway; and,
   - It will complement and not conflict with the existing residential single family development to the west.

4. The Community Planning and Development Division (Development Engineering) advises that direct access to Upper James Street will not be permitted from the subject lands and that this should be written into the implementing zoning by-law. On this basis, a variance should be included to permit access only from Limeridge Road West.

5. The subject lands were part of a former service station location and are adjacent to an access ramp to the Freeway. The City's Official Plan includes specific provisions relating to the potential for contamination of soils from the service station and potential noise impacts from arterial roads . In addition, the Provincial Policy Statement and/or the Hamilton-Wentworth Official Plan also address these issues. On this basis, it is recommended that prior to the approval of the implementing zoning by-law, the following be undertaken:

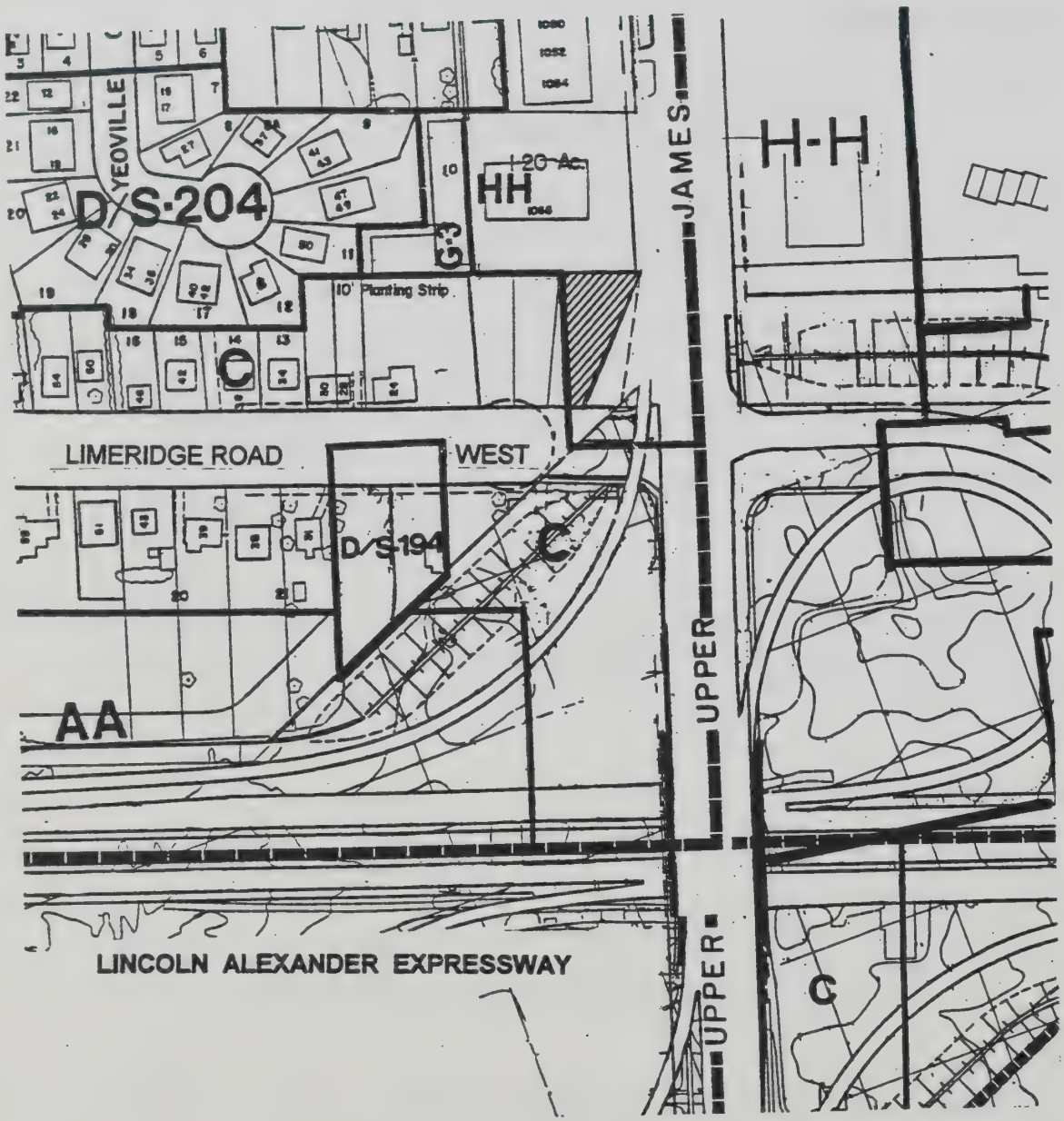
   - Submission of a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE) to the satisfaction of the Region, including acknowledgement of receipt of the RSC by the MOE;
   - Completion by a qualified consultant of a noise assessment study investigating noise levels impacting the proposed development and recommending noised control measures being undertaken to the satisfaction of the Region; and,
   - If required, or at the request of the Region, the owner will include the agreement of purchase and sale and register on title a specifically worded noise warning clause for the proposed single family dwelling.

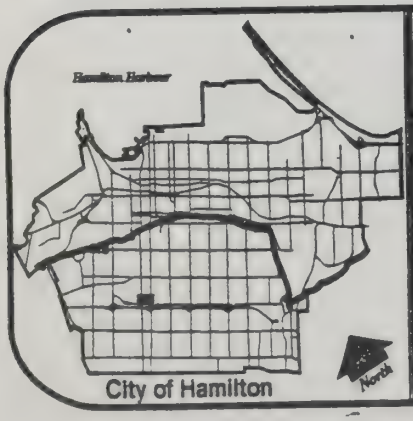
Based on the foregoing, it is appropriate not to forward the implement zoning by-law to Council until the applicant has complied with the above-noted requirements. The applicant has indicated that he can support this approach.

CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/clf
ZAR-99-16





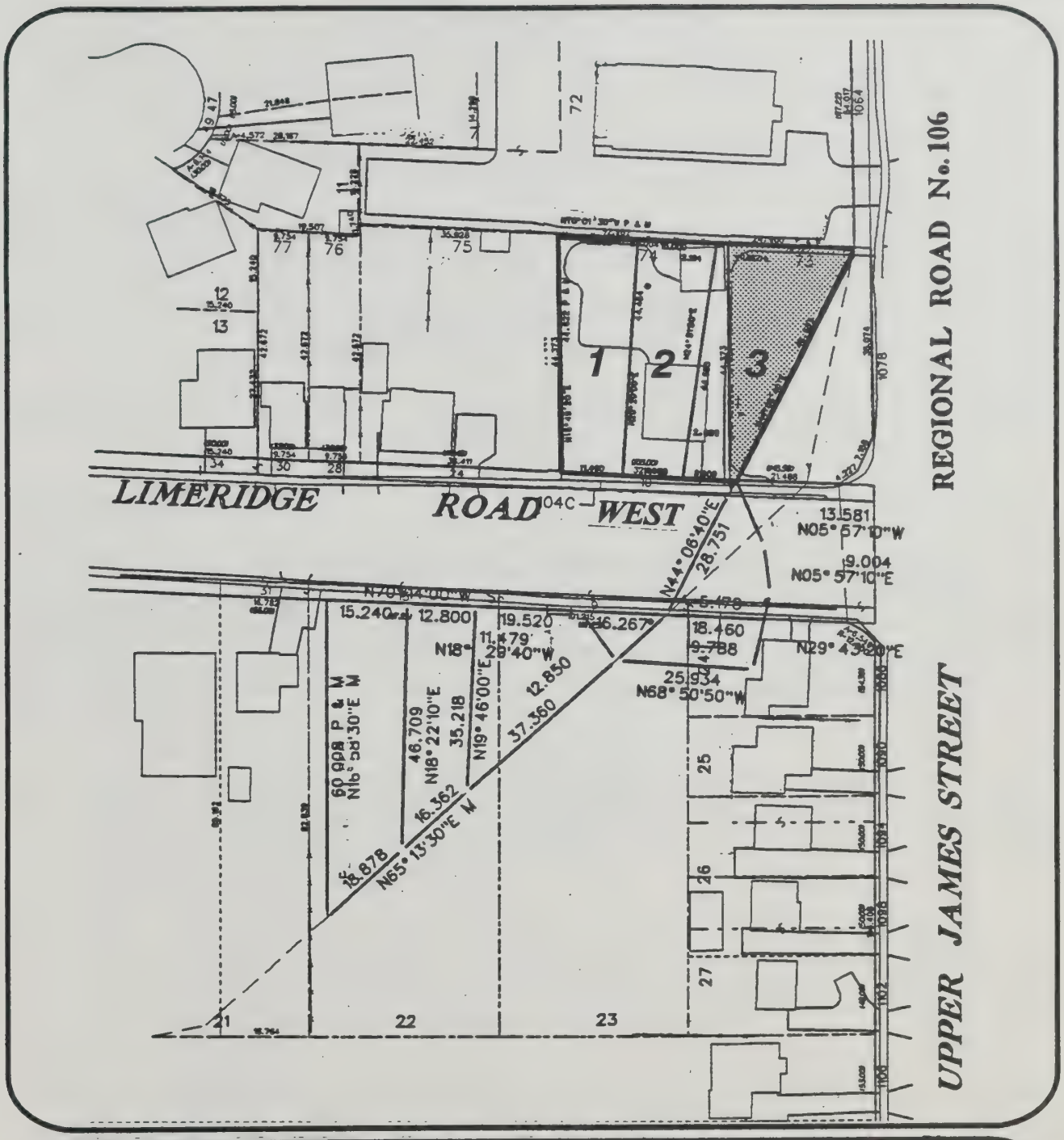
PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

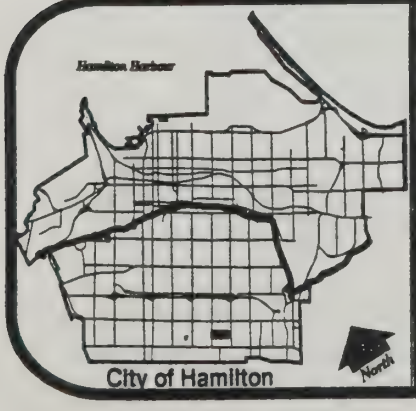
Change in Zoning :
From "H H" (Restricted Community Shopping and Commercial) District to "C" (Urban Protected Residential, etc.) District

Reference file:	ZAR-99-16
Scale	Not to Scale
Date	MAY,1999
Technician:	FAB
	APPENDIX A



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map



Legend

Lands to be rezoned

Proposed Lotting
(Lots 1,2 & 3)

Reference file:	ZAC-99-17
Scale	Not to Scale
Date	May,1999
Technician:	FAB

APPENDIX "B"

CITY OF HAMILTON

2.

- RECOMMENDATION -

DATE: 1999 July 23
ZAC-99-14
Stinson Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at 54 and 56 Alanson Street (PDC99045)

RECOMMENDATION:

That approval be given to **amended Zoning Application 99-14, H.&R. Wein Construction, prospective owner,** requesting a modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc) District, to permit six (6) residential dwelling units within the existing building, for the property located at 54 and 56 Alanson Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the lands until:

(a) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy;

(b) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending noise/vibration control measures (if applicable), with study and noise/vibration control measures being to the satisfaction of the Region.

City Council may remove the 'H' symbol, and thereby give effect to the "D" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled;

(ii) That the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District regulations, as contained in Section 10. of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(a) That notwithstanding Section 10. of Zoning By-law No. 6593, a multiple dwelling containing a maximum of six (6) dwelling units, subject to the Residential Conversion Requirements of Section 19. (1) shall be permitted only within the building, existing on the day of passing of this by-law;

(b) That notwithstanding Section 18.(3)(vi)(d) of Zoning By-law No. 6593, a front yard setback of 0.29 m minimum shall be provided and maintained for the front porch;

(c) That notwithstanding Section 18A.(1)(a)(b) of Zoning By-law No. 6593, a minimum of four (4) parking spaces shall be provided and maintained on the lot;

(d) That Section 18A.(1)(c) of Zoning By-law No. 6593, shall not apply;

(e) That notwithstanding Section 18A.(7)(c) of Zoning By-law No. 6593, every parking space shall be not less than 2.67 m in width;

(f) That a minimum landscape area of 33.0 m^2 at grade (5.35% of the lot area) shall be provided and maintained on the lot;

(iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-14 be notated as S- ; and,

(iv) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14 for presentation to City Council;

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide a modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc) District for lands located at 54 and 56 Alanson Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the conversion of the existing two (2) storey building into a multiple dwelling containing six (6) dwelling units. In addition, the By-law provides for the following variances as special requirements:

- Permits a front yard setback of 0.29 m minimum for the front porch whereas 1.5 m is required;

- Permits a minimum of four (4) parking spaces to be provided and maintain on the lot whereas eight (8) parking spaces are required;

- Eliminates the required small loading space (3.7 m x 9.0 m);

- Permits the parking spaces to be 2.67 m wide whereas 2.7 m in width is required;

- Requires a minimum landscape area of 33.0 m^2 at grade (5.35% of the lot area) whereas the "D" District does not have a landscape area requirement.

Futhermore, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until:

a) The applicant submit a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment;

b) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending noise/vibration control measures (if applicable), with study and noise/vibration control measures being to the satisfaction of the Region.

City Council may remove the 'H' symbol and thereby give effect to the "D" District provisions as stipulated in this By-law by enactment of an amending by-law once the conditions are fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

  The amended application is for a modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc) District, to permit a maximum of six (6) dwelling units (condominium) within the existing two (2) storey building located at 54 and 56 Alanson Street. (See Appendix "B").

Three (3) loft style units are proposed on the first and second floors, having an approximate square footage of a 1,000 S.F. each.

APPLICANT:

H. & R. Wein Construction Inc., prospective owner.

LOT SIZE AND AREA:

- 17.21 m (56.46 ft.) of lot frontage on Alanson Street;
- 34.79 m (114.14 ft) of lot depth; and,
- 616.72 m^2 (6,638.32 S.F.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant Warehouse	"D" (Urban Protected Residential – One and Two Family Dwellings, etc) District
Surrounding Lands		
To the north, east and west	One, Two, & Three Family Dwellings	"D" (Urban Protected Residential – One and Two Family Dwellings, etc) District
To the south	CP Railway	"JJ"(Restricted Light Industrial) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

The following policies of Subsection A.2.1. – Residential Uses should also be noted:

"A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The following policies of Subsection C.7 – Residential Environment and Housing Policy should also be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support Residential development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated **"Single and Double Residential"** on the approved Stinson Neighbourhood Plan. If approved, a Neighbourhood Plan Amendment is not recommended since this is a conversion of an existing warehouse building and should the development not proceed then the "Single and Double Residential" land use designation should remain.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Community Planning and Development Division (Region) has advised that:

  "Since the subject lands contain an existing building previously used as a warehouse and is adjacent to an active railway line, which has potential for having site contamination, and noise/vibration impacts on the proposed residential

development..., the following items must be completed prior to the approval of the proposed development:

a) The applicant submit a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment;

b) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending noise/vibration control measures (if applicable), with study and noise/vibration control measures being to the satisfaction of the Region."

- The Community Planning and Development Division (Building) has advised that:

"1. A multiple dwelling containing six (6) Class A dwelling units requires to provide eight (8) parking spaces and one (1) 3.7m x 9.0m loading space.

2. The parallel parking spaces are not 2.5m x 6.7m and the manoeuvring space aisle width is not 3.7m.

3. The right angle parking spaces are not 2.7m x 6.0m and the manoeuvring space aisle width is not 6.0m.

4. A 1.5m wide planting strip and a visual barrier of at least 1.2m and not more than 2.0m in height has not been provided along the westerly lot line between the parking area and the residential district.

5. The parking area is not at least 4.2m from the street line and at least 3.0m from the residential district to the west.

6. The access driveway is not at least 5.5m in width and the driveway is not at least 3.0m from the residential "D" District to the west.

7. There are discrepancies with respect to size and location of porches, balconies, windows on site plan, floor plans and elevations.

8. The proposed front porch must be at least 1.5m from the street line and .5m from the side lot line.

9. The proposed front porch appears to encroach over the front lot line as indicated on the ground floor plan and no dimensions have been indicated but it scales approximately 7'8" x 33'0" overall. However, the site plan shows that it is only 1.5m (4.92') x 10.0m (32.8') approximately and not encroaching. Furthermore, the elevation shows basement windows on either side but the scaled dimension is only 24'0" between windows on floor plan and therefore the proposed porch having a width of 32.8' + would actually cover the windows.

10. The proposed balconies may project a maximum of 1.0m into side yard and rear yard and 1.0m into a front yard provided that it is at least 1.5m

from the street line (front lot line). No dimension or setbacks have been indicated.

11. Rear entrance requires a porch and steps. The size of the porch has not been indicated. The porch must not encroach into the parking area.

12. The existing retaining wall adjacent to the rear lot line would appear to reduce the manoeuvring space for the last parking space in the rear yard."

- The Department of Public Works and Traffic Department has reviewed the application and has advised:

  "The proposed zoning change will permit the conversion of an old existing warehouse into 6 condominium apartments. We support the conversion of the warehouse to residential, however, the site has limitations for parking.

  The applicant has provided two alternatives for parking, each providing 6 parking spaces. Each alternative parking layout has substandard parking space dimensions, manoeuvring area and driveway access width. The site can support 4 parking spaces (2.67m x 6.0m) with proper manoeuvring and driveway access width (Appendix "B")".

  In addition to the above the Department of Public Works and Traffic has advised the following:

  "The Traffic Department will support a reduction in the number of required parking spaces from 8 to 4, based on the fact the building is a retrofitting of an existing warehouse with site limitations, on-street parking is available on the south side of Alanson Street and there is no history of parking problems on this section of Alanson. We also support a variance to delete the requirement for a small loading space on-site."

- The Development Engineering Section has reviewed the application and has advised that :

  "There are public watermains and combined storm and sanitary sewers available to service the subject lands.

  According to our records the existing road allowance width of Alanson Street is 15.24m. Therefore, we do not anticipate any further road allowance widenings at this time.

  It would appear from our construction plans that there is an existing hedge within the Alanson Street road allowance. This hedge encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.

  Any new landscaping within the Alanson Street road allowance, other than sod or annual flowers, requires an Encroachment Agreement with the City of Hamilton.

  We recommend that visibility triangles be provided as much as possible, between the access to Alanson Street and the road allowance limits in which the maximum

height of any objects or vegetation does not exceed 0.60m above the corresponding perpendicular centreline elevation of Alanson Street.

Further comments on landscaping, motorists visibility, grading, etc. will be submitted under the site plan application. In the absence of any details shown, we advise that any works within the Alanson Street road must conform to the City of Hamilton Streets By-law.

It is unclear from the plans submitted what type of addition will be built in the front of the building. No portion of the addition or structure is permitted to extend into the road allowance."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The lands are designated **"Single and Double Residential"** on the approved Stinson Neighbourhood Plan. If approved, a Neighbourhood Plan Amendment is not recommended since this is a conversion of an existing warehouse building and should the development not proceed then the "Single and Double Residential" land use designation should remain.

3. The proposal has merit and can be supported for the following reasons:

   i) it does not conflict with the intent of the Official Plan;

   ii) it is an adaptive reuse of a listed building on the Inventory of Buildings of Architectural and/or Historial Interest, thus makes use of the existing building stock and physical infrastructure;

   iii) it is compatible with the existing one (1), two (2), and three (3) family dwellings in the area; and,

   iii) it is in close proximity to the public transit route along Stinson Avenue.

4. Given the comments received from the Community Planning and Development Department (Building) and The Department of Public Works and Traffic the applicants agent has modified the original site plan as shown on Appendix "B", thus a six (6) unit multiple dwelling (condominium) within the existing building would require the following variances as special requirements:

   <u>Required Parking and Loading Spaces</u>

   Four (4) parking spaces (2.67 m x 6.0 m) with proper manoeuvring and driveway access width can only be accommodated whereas a multiple dwelling containing six (6) Class A dwelling units is required to provide eight (8) parking spaces and one (1) 3.7m x 9.0m loading space.

   Although, a multiple dwelling containing six (6) dwelling units requires eight (8) parking spaces, the Community Planning and Development Department has

generally recommended one (1) parking space per unit for similar conversion projects.

However, the Department of Public Works and Traffic would support the proposed zoning change allowing the conversion and recognize the site limitations with respect to parking and loading subject to four (4) parking spaces (2.67m x 6.0m) with proper manoeuvring and driveway access width as shown on Appendix "B".

Furthermore, they have advised that there is on-street parking available on Alanson Street and they have had no reports of parking problems in the area.

Front Porch Setback

The proposed front porch will be .29 m from the front lot line whereas 1.5 m setback is required from the font lot line.

The proposed front porch setback can be supported since it will provide additional outdoor amenity. Furthermore, it should be note that the existing front wall of the existing two (2) storey building is 1.76 m from the front lot line, and the existing front steps are setback 0.29 m from the front lot line.

Landscape Area

A minimum landscape area of 33.0 m^2 at grade (5.35% of the lot area) will be provided, as proposed.

Modifications will be made to the front yard, the existing parking area at the rear entrance and along the rear lot line to achieve landscaping (i.e. additional trees and shrub) on site.

5. The "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233. Thus, matters related to the required parking layout, grading, and proposed landscaping associated with the development will be further reviewed at the site plan approval stage of development.

6. Since the subject lands contain an existing building previously used as a warehouse and is adjacent to an active railway line, which has potential for having site contamination, and noise/vibration impacts on the proposed residential development, it is recommended that the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the lands until:

   a) The applicant submit a signed Record of Site Condition (RSC) to the Region and Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy;

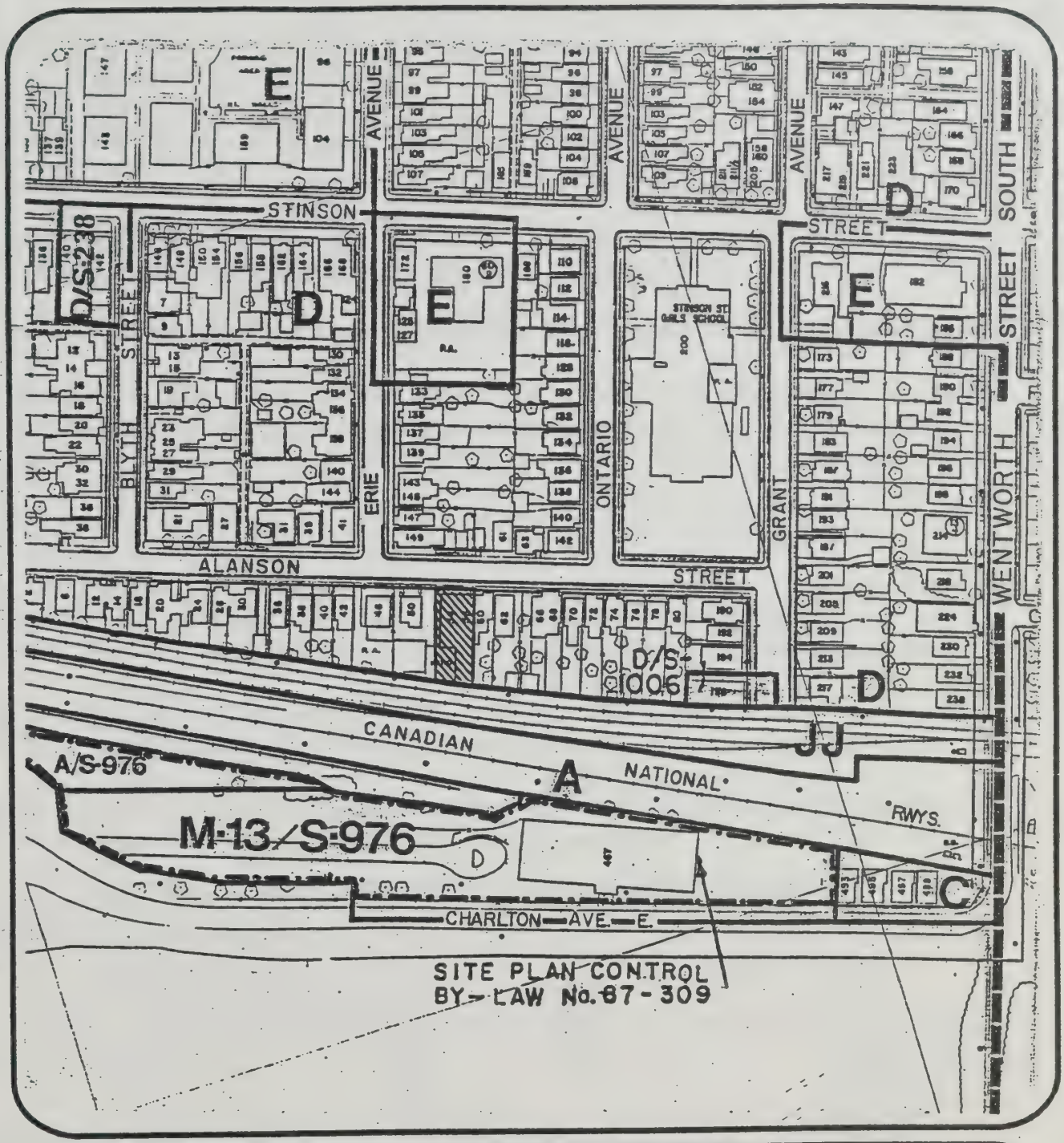
b) Completion by a qualified consultant of a noise/vibration assessment study investigating noise/vibration levels impacting the proposed development and recommending noise/vibration control measures (if applicable), with study and noise/vibration control measures being to the satisfaction of the Region.

City Council may remove the 'H' symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/mm
ZAC-99-14





PLANNING AND DEVELOPMENT DEPARTMENT

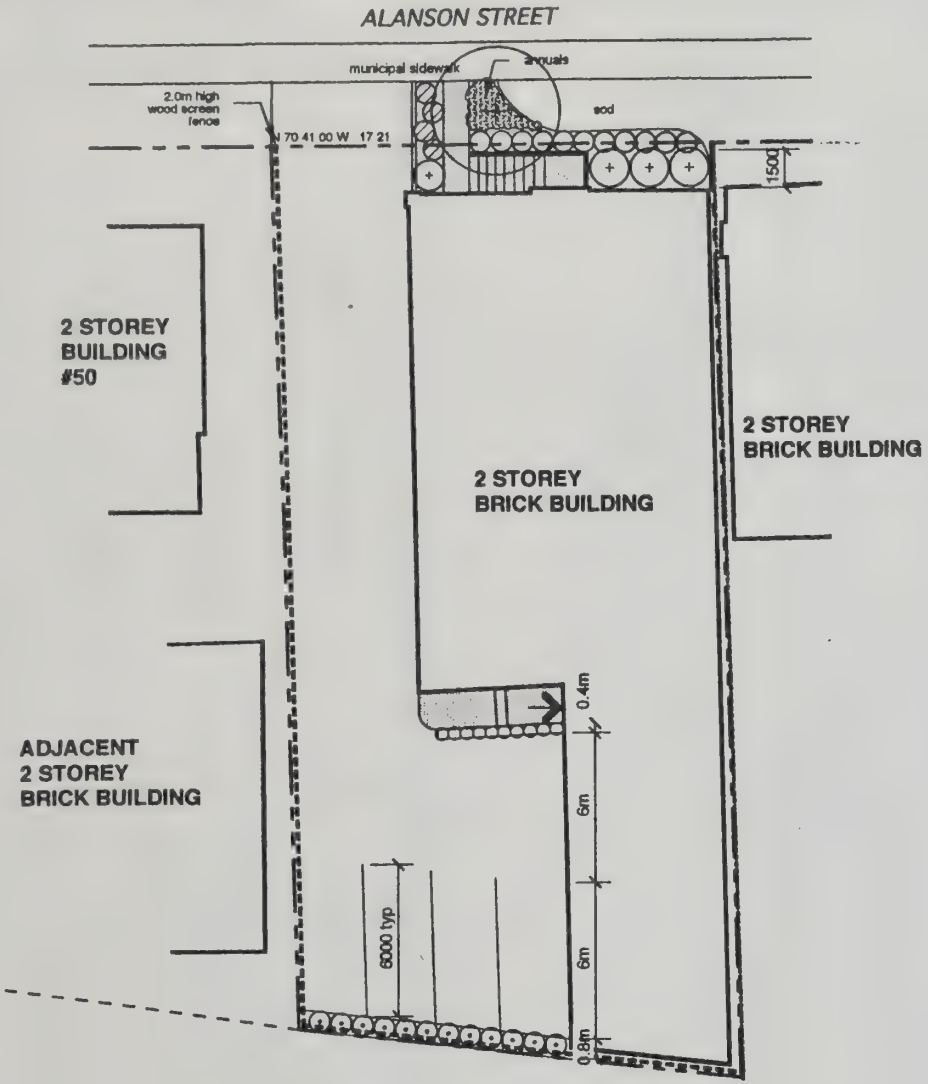
Location Map

Legend

SITE OF APPLICATION

Modification to the established "D" (Urban Protected Residential – One and Two Family Dwellings, etc) District

Reference file:	ZAC-99-14
Scale	Not to Scale
Date	MAY,1999
Technician:	FAB
	APPENDIX A



JULY 22/99	Revised Parking Layout
JUNE 14/99	Issued for Re-Zoning
APRIL 22/99	Issued for Municipal Review
DATE ISS'D	REVISIONS

Architect

John Mokrycke

143 Park Row North
Hamilton, ON
L8H 4E7

(905) 543-0353

Proposal for

6 Condominium Units

Lot 43
Alanson Street

SITE PLAN

APPENDIX B

DATE	DWG. NO.
JUNE 1999	SP-1
SCALE 1:200	

2a)

:August 2, 1999

AUG 0 3 1999

RE: Planning Department FILE ZAC-99-14
Zoning Amendment for 54 and 56 Alanson Street, Hamilton

The proposal for amendment is from a 1 and 2-Family Zoning to allow a **6-Unit Condominium.**

Parking for this condo is allotted 4 spaces on property. This does not address the fact that each owner will require parking. Since three condos will be two-bedroom units, there is a strong possibility of more than one car per unit. No allowance for **visitor parking** has been provided.

It is expected that all overflow of cars will use the street for parking purposes.

This is an old section in the City where most homeowners must use street parking because of lack of driveways.. Evening and weekend parking is a problem with insufficient spaces available. Winter parking is a **greater** problem as snow banks cut down on parking spaces.

This amendment has no consideration for homeowners in the immediate area who will be impacted by even more lack of available parking which will eventually impact the entire street.

If this building was called apartments instead of condos, more available parking on site would be required. Condos are a way of getting around this problem.

The builders will not have to deal with the neighbourhood once they have completed construction and have sold the condos. Instead it will be the "**Condo Association**" who will not be aware of the impending problems and possible ill-will from the neighbourhood.

A Condo of four (4) residences would be more appropriate for this area and lessen the problems of available parking.

Therefore, I object to this request for a change in zoning laws and request an **Ontario Municipal Board Hearing (OMB)** hearing on this zoning change.

Anne McVittie

Anne McVittie
60 Alanson Street
HAMILTON, ONT

CITY OF HAMILTON

3.

- RECOMMENDATION -

DATE: 1999 July 20
ZAC-99-17
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located north of Rymal Road East fronting on Eaglewood Drive (PDC99044)

RECOMMENDATION:

That approval be given to **Zoning Application 99-17, Robert Shelley Construction Ltd., owner,** requesting changes in zoning from "AA' (Agricultural) District to "C" (Urban Protected Residential,etc.) District for Blocks "1" and "2", for property located north of Rymal Road East fronting on Eaglewood Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

iii) That the Director, Land Development Department, Community Planning and Development Division be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council;

iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning for lands located north of Rymal Road East fronting on Eaglewood Drive, as shown on the attached map, on the following basis:

Block "1" - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

Block "2" - From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit the future development of Blocks "1" and "2" of the subject lands for three (3) single-family dwellings each.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment

BACKGROUND:

- Proposal

  The applicant is requesting a rezoning for the land located north of Rymal Road East fronting on Eaglewood Drive (see Appendix "A"). The purpose of the application is to permit three (3) single-family dwellings on each block of land, fronting onto Eaglewood Drive (see Appendix "B").

- Land Severance Application B-99:33 to B-99:36

  The applicant filed Land Severance Applications B-99:33 to B-99:36 for the subject lands north of Rymal Road East fronting on Eaglewood Drive. At it's meeting of June 2, 1999 the Committee of Adjustment approved Land Severance Application B-99:33 and B-99:34, subject to the following condition(s):

  1) The owner shall satisfy all relevant requirements of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

  2) The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

  3) The applicant shall submit proof of final approval of Zoning Application ZAC-99-17.

  4) The owner shall enter into a Modified Subdivision Agreement with the City of Hamilton for the purpose of lot grading and any other requirements of the City of Hamilton.

  5) That the owner pay all outstanding property, road and servcing costs adjacent to Eaglewood Drive for the lands to be severed and retained, to the City of Hamilton and the Region of Hamilton-Wentworth prior to the City incorporating the 0.30 m reserve into the Eaglewood Drive road allowance.

6) That the lands to be merged under application B-99:34 are registered in the same name and title.

Furthermore, the Committee of Adjustment approved Land Severance Application B-99:35 and B-99:36, subject to the following condition(s):

1) The owner shall satisfy all relevant requirements of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

2) The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

3) The applicant shall submit proof of final approval of Zoning Application ZAC-99-17.

4) The owner shall enter into a Modified Subdivision Agreement with the City of Hamilton for the purpose of lot grading and any other requirements of the City of Hamilton.

5) That the owner pay all outstanding property, road and servicing costs adjacent to Eaglewood Drive and Rymal Road East for the lands to be severed and retained, to the City of Hamilton and the Region of Hamilton-Wentworth prior to the City incorporating the 0.30 m reserve into the Eaglewood Drive road allowance

6) The owner shall pay the required commutation amount of local improvements charges on the severed portion of the property to the Regional Department of Finance with respect to application B:99-35.

APPLICANT:

Robert Shelley Construction Ltd., owner.

LOT SIZE AND AREA:

Block "1"

- 40.24 m (132.02 ft.) of lot frontage on Eaglewood Drive;
- 33.53 m (110.0 ft) of lot depth; and ;
- 1,361.24 m^2 (.33 acres) of lot area.

Block "2"

- 38.14 m (125.13 ft.) of lot frontage on Eaglewood Drive;
- 32.09 m (105.0 ft) of lot depth; and ;
- 1,225.12 m^2 (.30 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Lands		
To the north and south	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District
To the east of Block "1"	Vacant Land	"AA" (Agricultural) District
To the east and west of Block "2"	Vacant Land	"AA" (Agricultural) District
To the west of Block "1"	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule A – Land Use Concept of the Official Plan. The following policies should be noted:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The following policies of Subsection C.7 – Residential Environment and Housing Policy should also be noted:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas buildings height, coverage, mass, setbacks, privacy and overview;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "Single and Double Residential" on the approved Eleanor Neighbourhood Plan. The proposal would not require an amendment to the plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Department of Public Works and Traffic Department has advised that they have reviewed this application and have no comment.

- The Building Department has verbally advised that:

  "1. Lots in "C" zones must maintain widths of 12 m, area of 360.0 m^2 and must front on a public highway."

- The Development Engineering Section has reviewed the application and has advised that :

  "1. There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  2. In conjunction with this application, the applicant has submitted Land Severance Application B-99:33 to B-99:36 inclusive. All our requirements with respect to the recovery of servicing costs for the City of Hamilton and the Region of Hamilton-Wentworth will be addressed through the processing of these Severance Applications.

  3. For your information, Parts 1,2,5,6,9, 10, 12,16, and 17 shown on the plan submitted by the applicant with this application are a 0.30 m reserve owned by the City of Hamilton."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The lands are designated "Single and Double Residential" on the approved Eleanor Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the approved Eleanor Neighbourhood Plan;

   ii) the proposed single-family residential represents infill development, and is consistent with the established development in the area. On this basis, the proposal serves to complete the existing pattern of development on Eaglewood Drive; and,

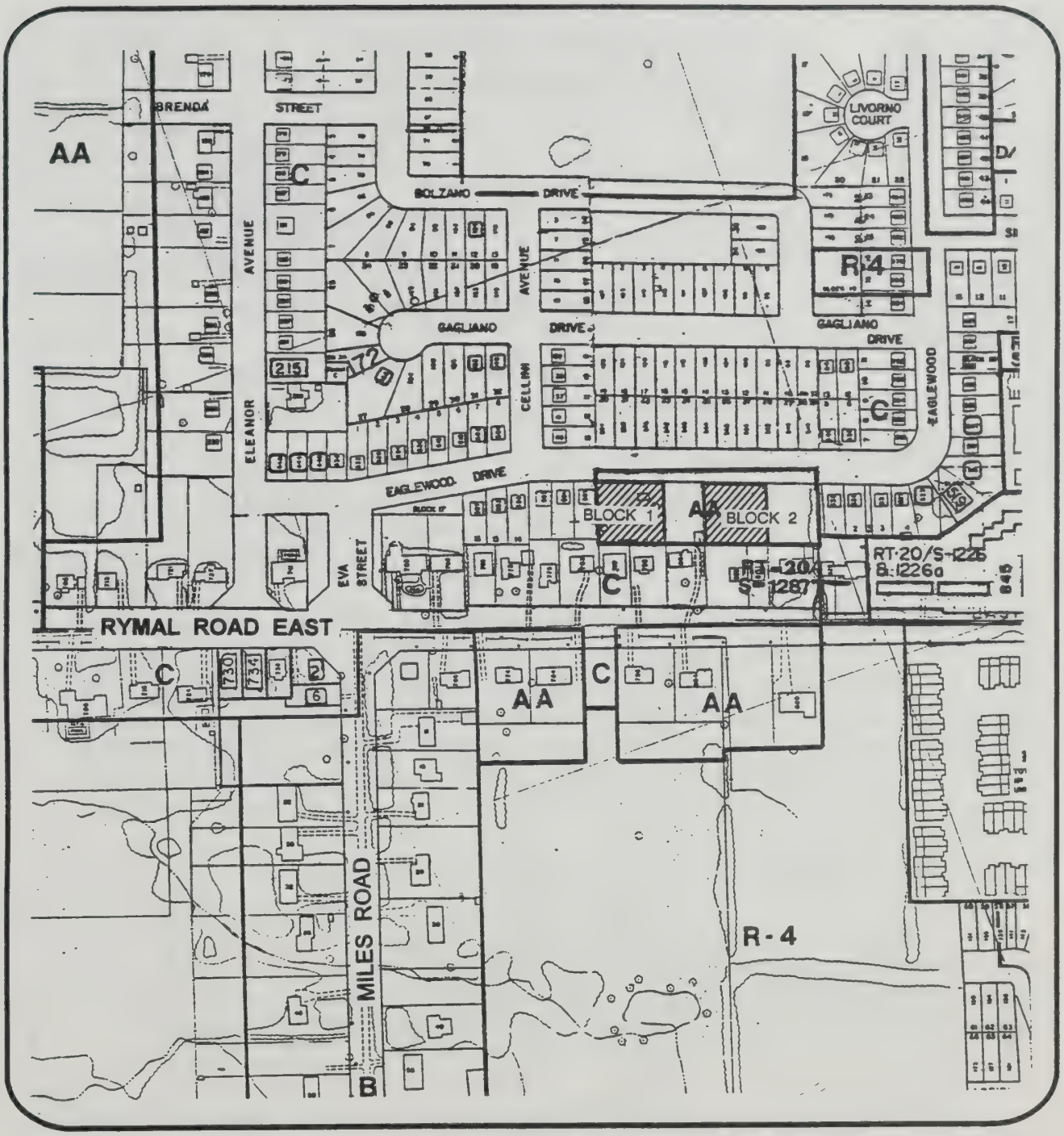
   iii) it fulfils the conditions of the lands severance approval to create six (6) lots fronting onto Eaglewood Drive.

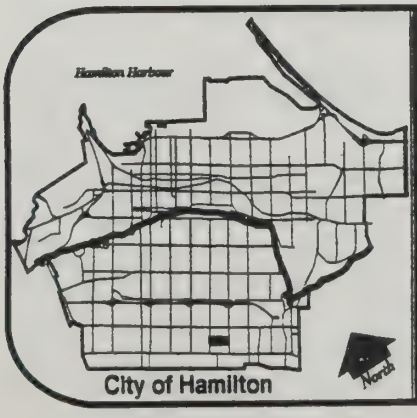
4. With respect to the comments received from the Building Department the applicant has advised that the minimum lot widths and areas will be met.

CONCLUSION:

Based on the foregoing, the application can be supported.

JL/mm
ZAC-99-17





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Blks.1& 2 — Change in Zoning:
From "AA" (Agricultural) District
to "C" (Urban Protected Residential, etc.) District

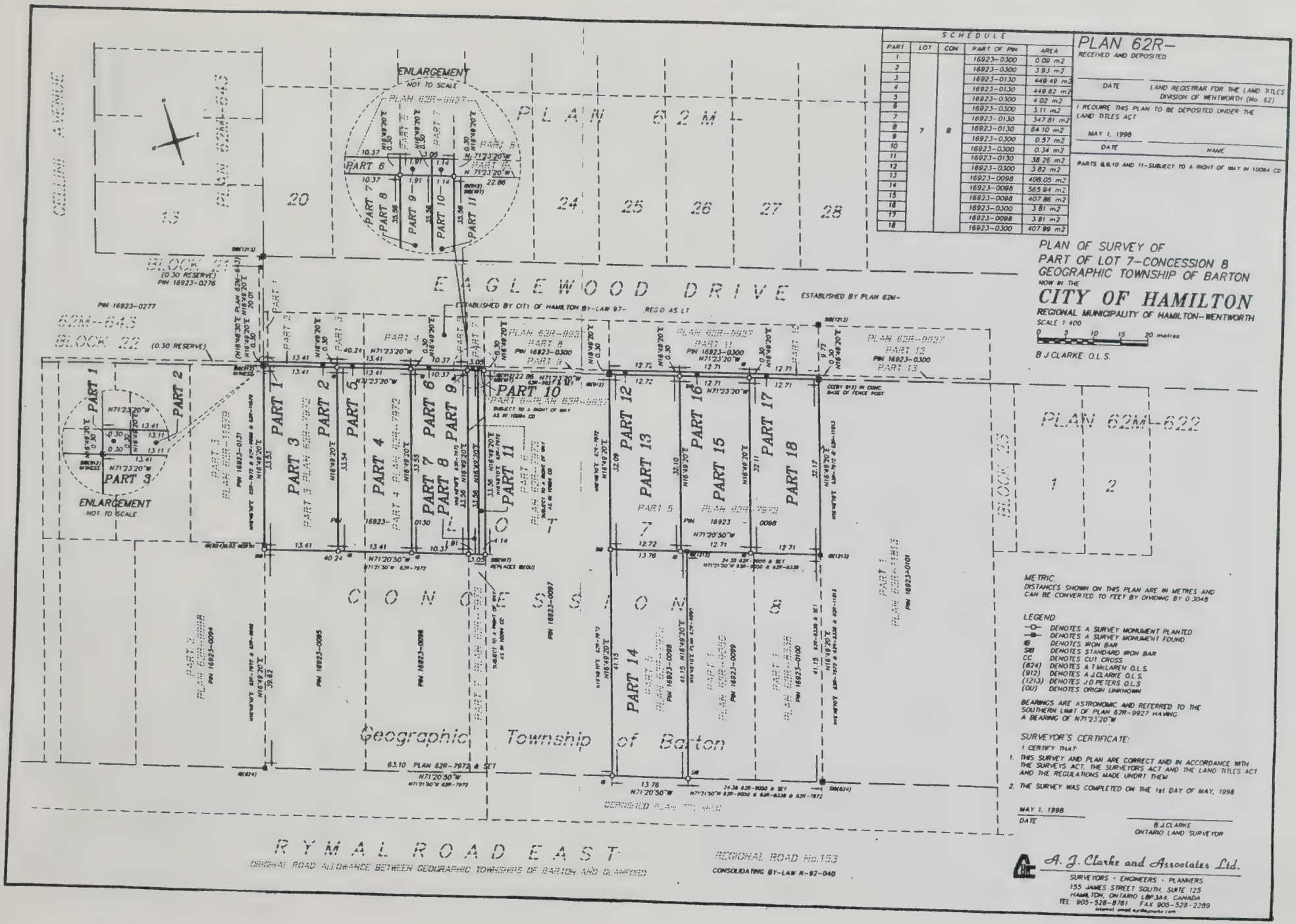
Reference file: **ZAC-99-17**

Scale: **Not to Scale**

Date: **May,1999**

Technician: **FAB**

APPENDIX A


SCHEDULE
PART | LOT | CON | PART OF PIN | AREA
1 | 7 | 8 | 16923-0300 | 0.09 m2
2 | | | 16923-0300 | 3.93 m2
3 | | | 16923-0130 | 449.49 m2
4 | | | 16923-0130 | 449.82 m2
5 | | | 16923-0300 | 4.02 m2
6 | | | 16923-0300 | 3.11 m2
7 | | | 16923-0130 | 347.81 m2
8 | | | 16923-0130 | 84.10 m2
9 | | | 16923-0300 | 0.57 m2
10 | | | 16923-0300 | 0.34 m2
11 | | | 16923-0130 | 38.26 m2
12 | | | 16923-0300 | 3.82 m2
13 | | | 16923-0098 | 408.05 m2
14 | | | 16923-0098 | 565.94 m2
15 | | | 16923-0098 | 407.86 m2
16 | | | 16923-0300 | 3.81 m2
17 | | | 16923-0098 | 3.81 m2
18 | | | 16923-0300 | 407.89 m2
PLAN 62R-
RECEIVED AND DEPOSITED
DATE
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
MAY 1, 1998
DATE
NAME
PARTS 6,8,10 AND 11-SUBJECT TO A RIGHT OF WAY IN 100B4 CD
PLAN OF SURVEY OF
PART OF LOT 7-CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:400
0 5 10 15 20 metres
B.J.CLARKE O.L.S.
ENLARGEMENT
NOT TO SCALE
PLAN 62M-643
PLAN 62M-622
CELLINI AVENUE
EAGLEWOOD DRIVE
ESTABLISHED BY PLAN 62M-
ESTABLISHED BY CITY OF HAMILTON BY-LAW 97-
REGD AS LT
BLOCK 21
(0.30 RESERVE)
PIN 16923-0276
BLOCK 22
(0.30 RESERVE)
PIN 16923-0277
BLOCK 23
PLAN 62M-622
PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
PART 9
PART 10
PART 11
PART 12
PART 13
PART 14
PART 15
PART 16
PART 17
PART 18
CONCESSION 8
Geographic Township of Barton
RYMAL ROAD EAST
ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD
REGIONAL ROAD No.153
CONSOLIDATING BY-LAW R-92-040
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
LEGEND
DENOTES A SURVEY MONUMENT PLANTED
DENOTES A SURVEY MONUMENT FOUND
IB DENOTES IRON BAR
SIB DENOTES STANDARD IRON BAR
CC DENOTES CUT CROSS
(824) DENOTES A.T.McLAREN O.L.S.
(912) DENOTES A.J.CLARKE O.L.S.
(1213) DENOTES J.D.PETERS O.L.S.
(OU) DENOTES ORIGIN UNKNOWN
BEARINGS ARE ASTRONOMIC AND REFERRED TO THE SOUTHERN LIMIT OF PLAN 62R-9927 HAVING A BEARING OF N71°23'20"W
SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDRT THEM
2. THE SURVEY WAS COMPLETED ON THE 1st DAY OF MAY, 1998
MAY 1, 1998
DATE
B.J.CLARKE
ONTARIO LAND SURVEYOR
A. J. Clarke and Associates Ltd.
SURVEYORS - ENGINEERS - PLANNERS
155 JAMES STREET SOUTH, SUITE 125
HAMILTON, ONTARIO L8P 3A4, CANADA
TEL 905-528-8761 FAX 905-528-2289

APPENDIX B

4.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1999 July 22
ZAC-99-21
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning for lands located at the north-west corner of Rymal Road East and Upper Wellington Street (PDC99047)

RECOMMENDATION:

(a) That approval be given to **Zoning Application ZAC-99-21, Paul Silvestri, owner**, for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District, to permit the use of the subject lands for small lot single family residential uses, for lands located at the north-west corner of Rymal Road East and Upper Wellington Street, fronting onto the future extension of Marilyn Court, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District;

(ii) That the General Manager, Community Planning and Development Division be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District for lands located at the north-west corner of Rymal Road East and Upper Wellington Street, fronting onto the future extension of Marilyn Court, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands for small lot single family dwellings in conjunction with the abutting lands to be developed as part of the "Olmsted Park, Phase 2" plan of subdivision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District to permit the use of the subject lands for 3 lots for small lot single family dwellings and 1 block to be developed in conjunction with the abutting lands to the north for a single family dwelling and for the extension of Marilyn Court in conjunction with the "Olmsted Park" plan of subdivision (see APPENDIX "B").

Subdivision Application 96-01 and Zoning Application 96-05

City Council, at its meeting of April 29, 1997, approved Subdivision Application 96-01 ("Olmsted Park") and Zoning Application 96-05 for lands located north of Rymal Road East and west of Upper Wellington Street, known municipally as 177 Rymal Road East, for 19 lots for single detached dwellings, 5 blocks to be developed in conjunction with the abutting lands, 3 blocks for road widening, 5 blocks being 0.30 m reserves and to construct a new street (Marilyn Court) (see APPENDIX "B").

The conditions of draft plan approval for "Olmsted Park", require that Lots 16, 17, 18, 19, and Block 20 not be registered until such time as the owner has constructed the cul-de-sac to its full width and that Block 20 not be developed until land assembly with the abutting lands has occurred.

Severance Applications B-99:45 and B-99:46

- Severance Applications B-99:45 and B-99:46 were approved on July 7, 1999. The purpose of these applications was to create 3 building lots and a block to be merged with the abutting lands to the north fronting onto Marilyn Court for single-family dwellings (see APPENDIX "B"). The applications were approved conditional upon, amongst other conditions, the applicant applying for and receiving final approval for a change in zoning from "AA" (Agricultural) District to "R-4" (Small

Lot Single Family) District.

APPLICANT:

Paul Silvestri, owner.

AGENT:

A. Fletcher, A.J., Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape and have:

- a frontage of 34 m along Upper Wellington St.;
- a frontage of 36 m along Rymal Road East;
- a depth of 54 m; and,
- a lot area of 2,300 m^2.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
to the north	Vacant (planned single detached dwellings)	"R-4" (Small Lot Single Family) District
to the south	Single Detached Dwellings	"R-4" (Small Lot Single Family) District
to the west	Single Detached Dwellings	"R-4" (Small Lot Single Family) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Ryckmans Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the above application and find it satisfactory."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.

- The Building Department have advised of the following:

  "The three (3) proposed lots comply with the By-law, and the remnant block is to be merged with the R-4 zoned lands to the north. One foot reserves along the boundaries with Rymal Road East and Upper Wellington Street will prevent the creation of through lots."

- The Regional Environment Department have verbally advised that they have no objection to the proposed change in zoning.

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Ryckmans Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the Ryckmans Neighbourhood Plan;
   ii) it is consistent with planned development in accordance with the "Olmsted Park" subdivision; and,

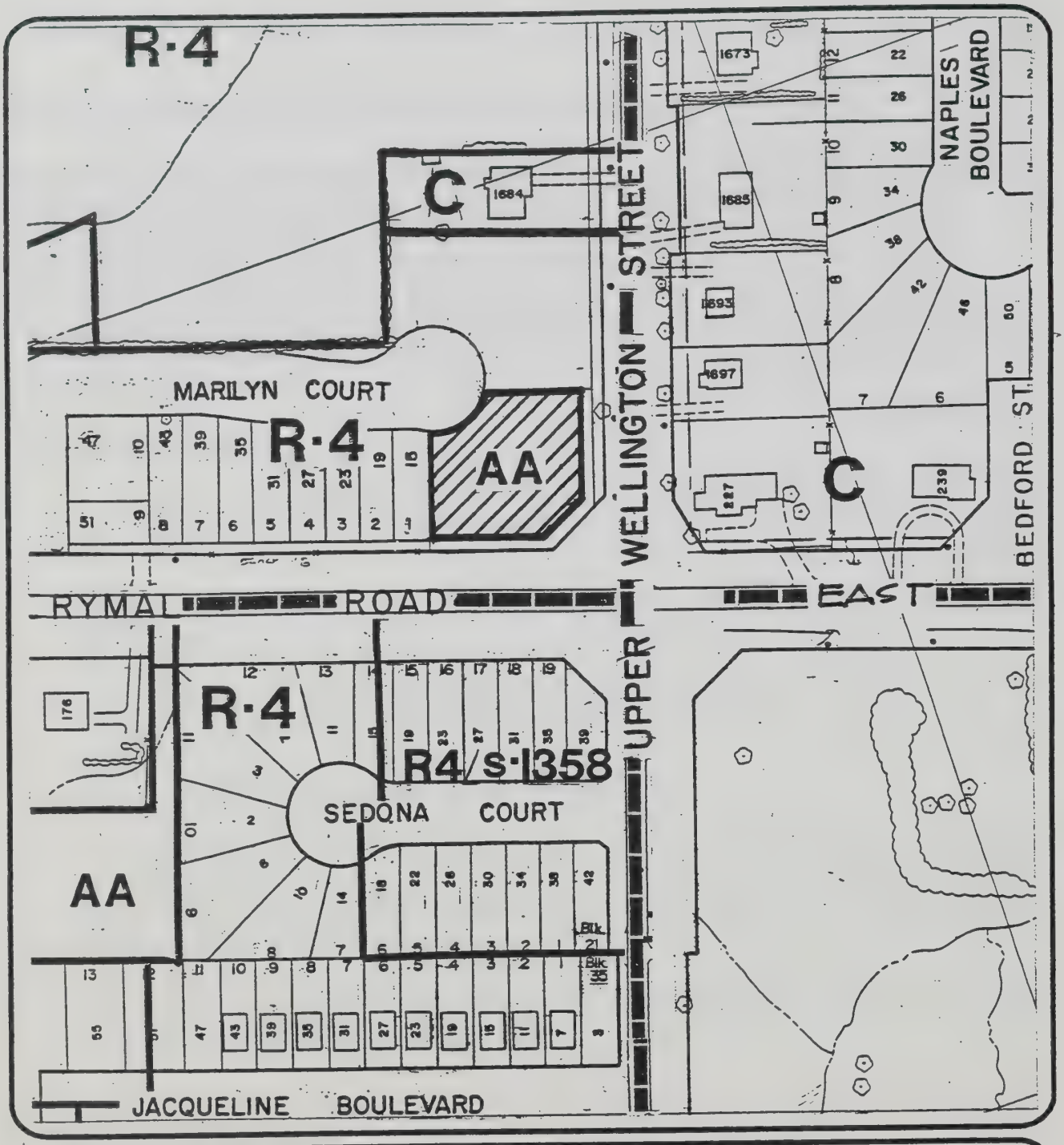
iii) it would be compatible with the abutting and planned residential uses.

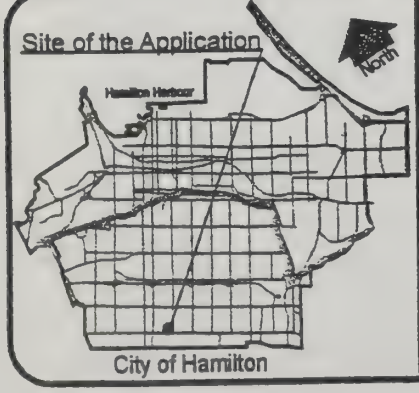
3. The proposed change in zoning implements the conditions of draft plan approval for "Olmsted Park" and Severance Applications B-99:45 and B-99:46 . As part of the conditions of draft plan approval, Block 20 is to be developed in conjunction with the abutting lands to create a building lot for a single detached dwelling (see attached APPENDIX "B"). In addition, the applicants are required to acquire sufficient lands to establish Marilyn Court to a width of 20.0 metres in accordance with City engineering standards.

CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-21.doc
SR/sr





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

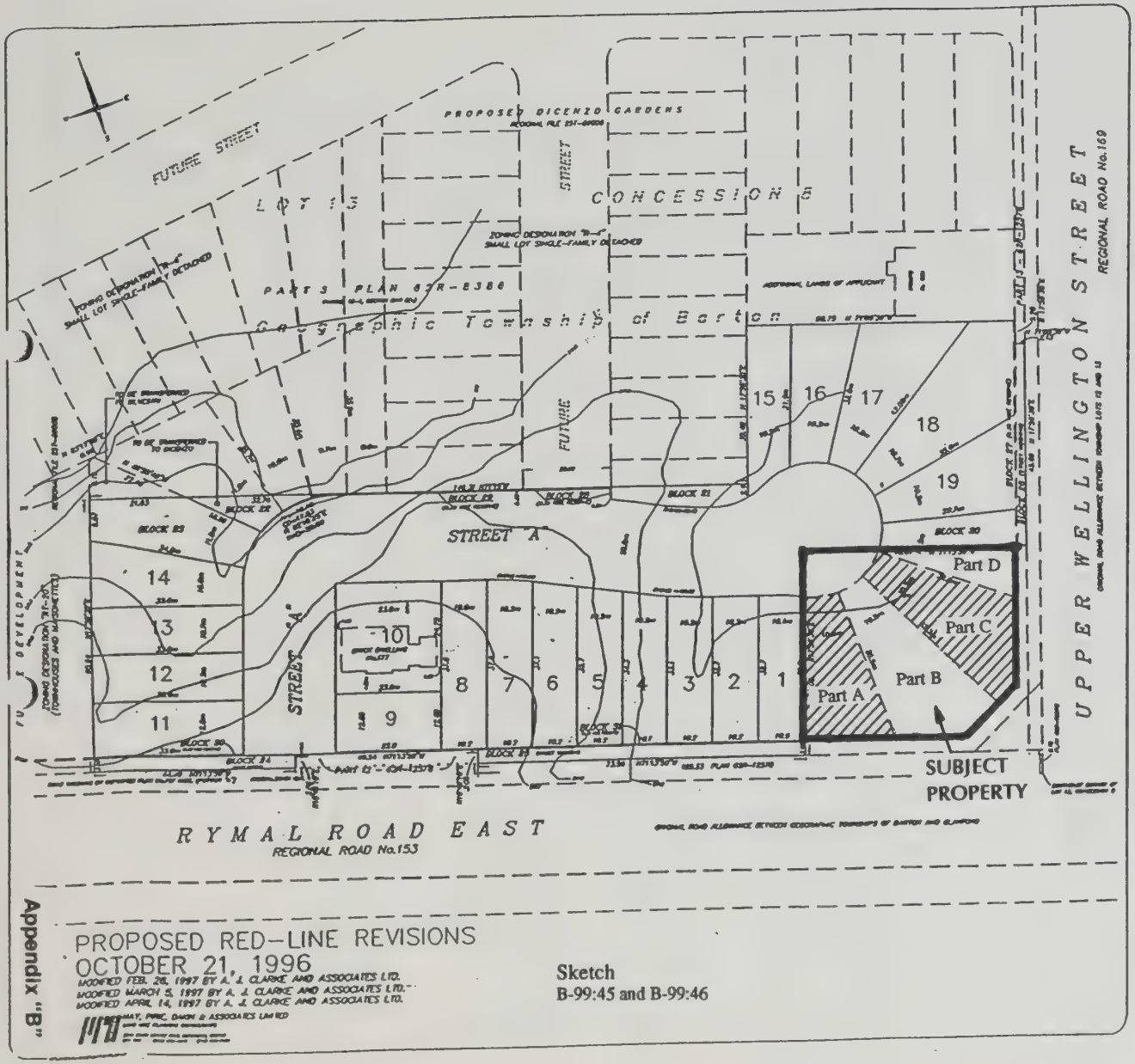
Legend

Change in Zoning from:

"AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District

Reference file:	**ZAR-99-21**
Scale	**Not to Scale**
Date	**June, 1999**
Technician:	**B. B.**

APPENDIX 'A'



DRAFT PLAN OF

OLMSTED PARK

SHOWING A PROPOSED SUBDIVISION OF

PART OF LOT 13–CONCESSION 8

GEOGRAPHIC TOWNSHIP OF BARTON

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1:1000

B. J. CLARKE O.L.S.

1996

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

NOTICE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RC: CHAPTER P. 13 R.S.O. 1990 SECTION 51(17)

THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

APRIL 14, 1997 — DATE

B. J. CLARKE — ONTARIO LAND SURVEYOR

OWNER'S AUTHORIZATION:

I, PAUL DICENZO, HEREBY THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH FOR THEIR APPROVAL.

APRIL 14, 1997 — DATE

PAUL DICENZO

LAND USE SCHEDULE:

TOTAL AREA OF SUBDIVISION = 1.249 ha (3.086 acres)
LOTS 1 TO 10 = SINGLE FAMILY RESIDENTIAL
BLOCKS 11,12 AND 13 TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS
BLOCKS 24,25 AND 26–STREET RESERVES
BLOCKS 27,28,29,30 AND 31–(0.3m RESERVES)

SUBDIVISION DRAFT APPROVAL:

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

THIS DAY OF , 1997.

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY-LAW No. 89-244

A. J. Clarke and Associates Ltd.

Appendix "B"

PROPOSED RED–LINE REVISIONS
OCTOBER 21, 1996
MODIFIED FEB. 28, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.
MODIFIED MARCH 5, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.
MODIFIED APRIL 14, 1997 BY A. J. CLARKE AND ASSOCIATES LTD.

MMM GROUP LIMITED

Sketch
B-99:45 and B-99:46

CITY OF HAMILTON

5.

- RECOMMENDATION -

DATE: 1999 July 26
ZAC-99-20
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for a change in zoning – 1359 Upper James Street (PDC99039)

RECOMMENDATION:

That **Zoning Application ZAC-99-20, Rosanna and Tonino Dilettie, owners**, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for lands located at 1359 Upper James Street, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- It conflicts with the intent of the Official Plan encouraging proponents of development to co-operate with adjacent property owners regarding access, parking, architectural quality and design, and landscaping;

- It conflicts with the intent of the approved Ryckmans Neighbourhood Plan and the approved Upper James Street Urban Design Guidelines in regard to comprehensive redevelopment of the south east corner of Upper James Street and Stone Church Road; and,

- Approval of the application would encourage further applications in this area for development of individual properties in a piecemeal manner and thereby erode the intent and purpose of the Official Plan, the approved Neighbourhood Plan and the Urban Design Guidelines.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, City Council shall hold at least one Public Meeting to consider an application for a zoning by-law amendment.

BACKGROUND:

Proposal

The applicant is proposing to use the existing dwelling for a hair dressing school.

Zoning By-law No. 95-14

City Council, on December 13, 1994, passed Zoning By-law No. 95-14 rezoning the lands at 1367 Upper James St. (immediately south of the subject lands) from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District. This by-law provides specific variances which were supported on the basis that the proposed development would not jeopardize the comprehensive redevelopment of the remaining lands to the north and east as envisaged in the Ryckmans Neighbourhood Plan and the Upper James Street Urban Design Guidelines. These lands have not been redeveloped as contemplated in this by-law and the existing single family dwelling is used for a law office.

Inquiry

In 1998, planning staff met with proponents to review a preliminary proposal for a comprehensive redevelopment for the south east corner of Upper James Street and Stone Church Road, including the subject lands. It was noted that the land owner at the south east corner was not supportive of this proposal. The Department's position was/is, that all the properties must be developed together. The applicants of the subject application have recently purchased the subject lands and were not aware of these discussions.

APPLICANT:

Rosanna & Tonino Diletti,owners.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 25.3 m on Upper James Street;
- A depth of 45.7 m; and,
- A lot area of approximately 1156.2 m^2.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single family dwelling	"C" (Urban Protected Residential, etc.) District

Surrounding Lands

To the north and east	Single family dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the south	Law office	"HH" (Restrict Community Shopping and Commercial) District, modified
To the west	Church and cemetery	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule 'A' – Land Use Plan and located within Special Policy Areas 31 and 23 on Schedule "B" and "B-2" – Special Policy Areas of the Official Plan. The following policies, amongst others, apply:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business office; and hotels, convention and entertainment facilities.

A.2.2.34 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.9.3.26 In keeping with the provisions of Subsection 2.2 – Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

(i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:

b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood based retail and service uses;

c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;

d) the location of access points between adjacent uses and to the road;

e) utilizing shared access and/or parking facilities with adjacent developments; and,

f) utilizing service roads, cul-de-sacs or other appropriate means to reduce the number of individual access points.

iv) Design guidelines will be prepared in conjunction with the

Neighbourhood Plan to detail such matters as, but not limited to:

a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate

buffer or transitional area which may include landscaping, berming and/or fencing;

b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,

v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping."

The proposal complies with the "Commercial" land use designation of the Official Plan. However, the applicant proposes to rezone the lands to a commercial district for the purpose of using the existing single family dwelling for a hairdressing school.

Policy A.2.9.3.26 of the Official Plan provides the specific framework for the Neighbourhood Plan and Urban Design Guidelines in this area. It also encourages proponents of development to co-operate with adjacent property owners regarding access, parking, architectural quality and design, and landscaping. In this regard, it appears that this proposal would not meet the intent of the policies of the Official Plan regarding Special Area 31.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Ryckmans Neighbourhood Plan. A redesignation for the proposed use is not required.

The Ryckmans Neighbourhood Plan (see APPENDIX "B" attached) was prepared in accordance with Official Plan Policy A.2.9.3.26 (iii) and the following highlights are applicable to the subject proposal:

- Consolidation of ownership encouraged to allow for better design and to minimize access to the street;
- Co-ordinated design including parking, landscaping, access and appearance as integrated and contiguous as possible;
- Development of an open space area with appropriate landscaping at the four corners of Upper James Street and Stone Church Road to complement and enhance Barton Stone Church and the adjacent cemetery;
- Adequate parking and loading facilities;
- Should not unduly effect the orderly flow of traffic; and,
- Existing narrow lots will be developed in conjunction with adjacent properties to provide lots of at least 30m frontage.

The Urban Design Guidelines for Upper James Street (see APPENDIX "C" attached) were prepared in accordance with Official Plan Policy A.2.9.3.26 (iv) and the following are applicable to the subject proposal:

- Encourage the consolidation of ownership of the properties along Upper James Street to allow for better design and minimize access to the street;

- Design should be co-ordinated so design features such as parking, landscaping, access and appearance are integrated and contiguous as possible;

- Encourage the co-operation of adjacent land owners to facilitate shared access, shared parking, similar architectural quality and design and landscaping;

- Access to Upper James Street to be strictly controlled; and,

- Uniform front building line, front service road and landscaping.

The policies of the Neighbourhood Plan and the Urban Design Guidelines detail the general policies of the Official Plan with respect to Special Policy Area 31. Development of the lands utilizing the existing single family dwelling would frustrate future development of lands to the north and east for a comprehensive redevelopment of the entire south east corner of Stone Church Road and Upper James Street. In this regard, the proposal would not meet the intent of the approved Ryckmans Neighbourhood Plan and the Upper James Urban Design Guidelines.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.

- The Community Planning and Development Division (Building) advises:

  "1. Section 6(5) of the zoning By-law states that for every building or structure erected to, altered for, or changed to a commercial or industrial use there shall be provided yards in conformity with the By-law. The proposed commercial school does not require a loading space, but does require conformity with the setback requirements. The existing dwelling does not provide the minimum required 12.0m front yard. The accessory building does not provide the minimum required 1.2m side yard.

  2. Parking at a rate of one (1) space per six (6) person shall be provided and maintained. The parking area and access driveway shall conform to Section 18A. No proposal submitted."

- The Community Planning and Development Division (Development Engineering) advises:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

It is our opinion that this property designated as commercial in the approved neighbourhood plan should be consolidated with the adjacent lands and developed as one commercial block. However, it is assumed that there are no plans at this time by adjacent property owners to develop their properties, therefore we offer the following comments:

1. The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation, we recommend as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 18.29m from the centreline of the original Upper James Street road allowance. According to our records, this road widening is 3.048m in width across the frontage of lands to be developed.

2. We require 5.0m x 5.0m visibility triangles between the access and the widened Upper James Street road allowance limits in which the maximum height of any object or mature vegetation is not to exceed a height of 0.6m above the corresponding perpendicular centreline elevation of Upper James Street.

3. Prior to any works within the widened Upper James Street road allowance, the applicant/owner must contact all the respective Utilities to ensure that their facilities will not be affected.

4. The applicant/owner should be advised that the future reconstruction and widening of Upper James Street may include the installation of raised concrete median islands which may restrict access to the subject lands.

5. In the absence of details, any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Public Works and Traffic Department advises:

"It would be our preference to have this site developed in conjunction with the lands to the north. This would allow a more comprehensive commercial development with a single access to Upper James and Stone Church Road.

The applicant has stated they intend to use this site as a Hairdressing School. This type of use is a low traffic generator. We would support this use as a site specific zoning only allowing a Hairdressing School."

COMMENTS:

1. The proposal complies with the Official Plan with respect to land use. However, it conflicts with the intent of the Official Plan encouraging proponents of development to co-operate with adjacent property owners regarding access, parking, architectural quality and design, and landscaping.

2. The proposal complies with the "Commercial" designation in the approved Ryckmans Neighbourhood Plan. However, the proposal would not meet the intent of the policies of the Neighbourhood Plan and the Upper James Street

Urban Design Guidelines in regard to comprehensive redevelopment of the south east corner of Upper James Street and Stone Church Road, a co-ordinated design of the area including parking, access, landscape, setbacks, etc. for an integrated and contiguous appearance.

3. The Development Engineering Section and the Public Works and Traffic Department comments support development of these lands in conjunction with adjacent lands in a comprehensive manner, in accordance with the approved Neighbourhood Plan

4. The proposed development utilizing the existing single family dwelling would frustrate future development of the lands to the north and east into a comprehensive redevelopment of the entire south east corner of Upper James Street and Stone Church Road.

5. The Urban Design Guidelines envisage an open space area at the south east corner of Upper James Street and Stone Church Road to complement the Barton Stone Church and adjacent cemetery. In this regard, the redevelopment of the north east corner provided for a minimum 6.0 m landscape strip along the Upper James Street and the Stone Church Road frontages. In addition, the Development Engineering Section had advised that an approximately 3.08 m road widening would be required along Upper James Street, an approximately 3.0 m road widening would be required along Stone Church Road East, as well as an approximately 12 m by 12 m daylighting triangle would be required at the corner of Upper James Street and Stone Church Road. If you apply these same requirements to the south east corner, there will be limited redevelopment opportunities on individual parcels, and therefore the comprehensive development of this area is supported.

   Based on the foregoing, approval of this application would encourage further applications in this area for development of individual properties in a piecemeal manner, and thereby erode the intent and purpose of the Official Plan, the approved Neighbourhood Plan and the Urban Design Guidelines.

5. Should the Committee consider approving the application, it should be approved on the following basis;

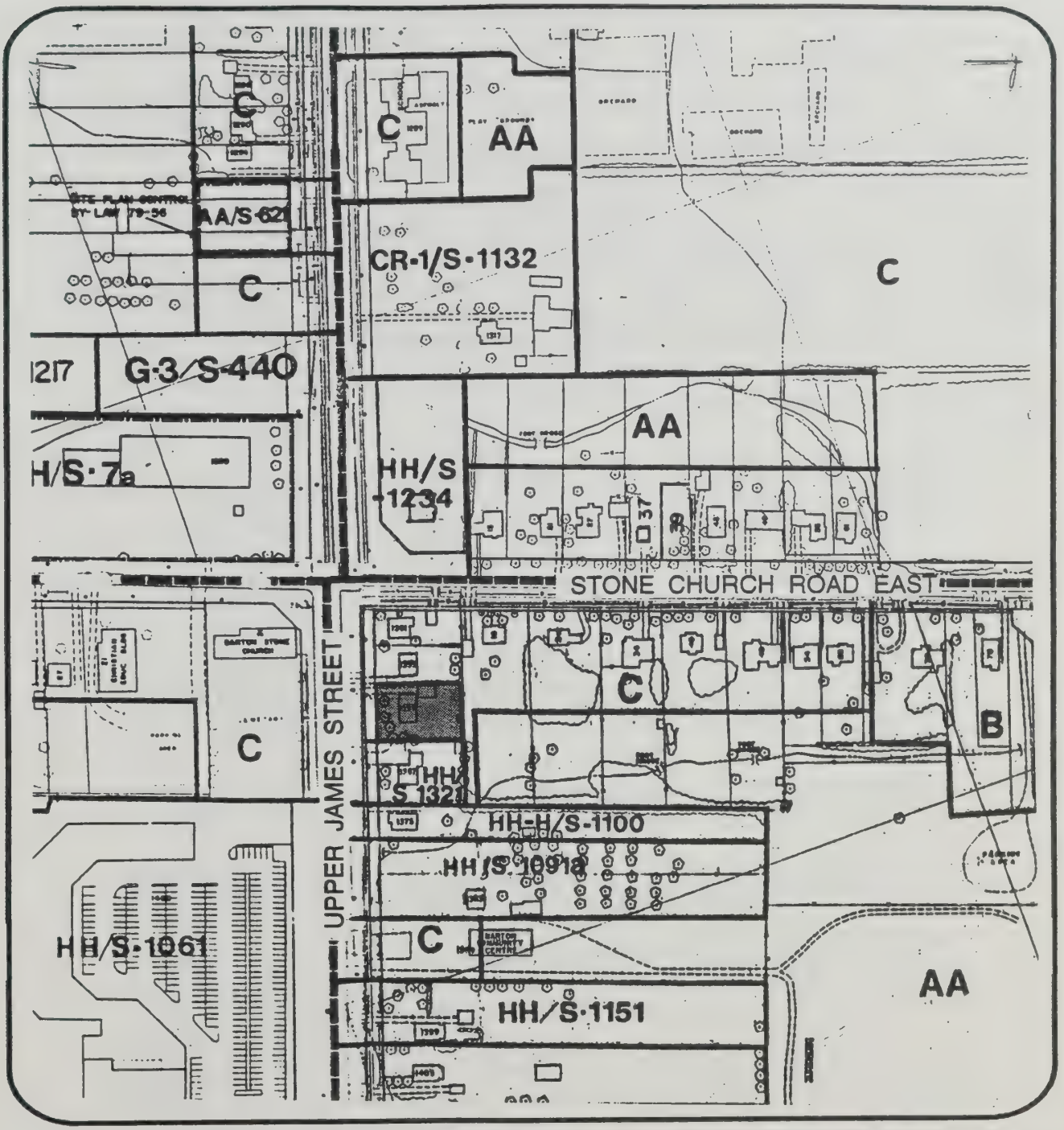
   - A modification to the existing "C" (Urban Protected Residential, etc.) District regulations to permit a temporary use for not more than three years;
   - The proposed use to be permitted only within the existing building; and,
   - The application to apply for and receive approved of a Site Plan Control application.

CONCLUSION:

Based on the foregoing, the application cannot be supported.

CLF/clf

ZAC-99-20





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Change in zoning from:

"C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT
TO: "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT

Reference file:	ZAC-99-20
Scale	Not to Scale
Date	JUNE, 1999
Technician:	FAB
	APPENDIX A

2. Commercial

Objective 1 - Upper James Street Commercial Area

The Upper James Street Corridor should be recognized as a special commercial area of city-wide significance with a high quality of commercial uses and designs suitable to its location as one of the major entrances to the City. However, the development of the Upper James Street Corridor as a commercial area should not unduly impact or undermine existing commercial areas elsewhere in the City.

Policies

1) Some lands fronting on Upper James Street in the Ryckmans Neighbourhood will receive a special "Retail/Warehouse" designation in the Ryckmans Neighbourhood Plan.

2) Adequate parking and loading facilities will be required for all new commercial areas.

3) The design of commercial uses on Upper James Street should be co-ordinated so that design features such as parking, landscaping, access, and appearance are as integrated and contiguous as possible.

4) The commercial uses on Upper James Street should not unduly disrupt the orderly flow of traffic.

5) Measures should be taken to ensure that commercial uses will not unduly affect adjacent residential areas.

6) The consolidation of ownership of properties along Upper James Street should be encouraged to allow for the better design of the commercial areas and to minimize access to the street.

7) Existing narrow lots along Upper James Street will be developed in conjunction with adjacent properties, where possible, to provide lots of at least 30 m (100 ft.) frontage.

Actions

1) All commercial uses along Upper James Street will be subject to site plan controls to ensure that adequate parking and loading spaces are provided, parking lots are integrated with adjacent lands and adequate landscaping, fencing and setbacks are provided in commercial areas adjacent to residential uses.

2) Developers will be encouraged to co-operate with adjacent property owners in matters such as shared access, shared parking, similarity in architectural quality and design, and landscaping.

3) Access to Upper James Street from commercial areas will be strictly controlled.

4) The following uses will be permitted in lands designated retail/warehouse:

- factory outlets;
- wholesaling (not including food);
- business offices;
- car, truck (non commercial), and recreational vehicles sales;
- factory repair depots for consumer goods;
- entertainment facilities (unlicensed);
- recreational facilities (unlicensed);
- home improvement centres (building supply centres);
- furniture or appliance sales;
- other home furnishings;
- clubs (unlicensed);
- hotels or motels;
- catalogue retail establishment;
- manufacturers sample or showroom;
- automotive repair and service;
- opticians laboratory;
- pharmaceutical laboratory;
- restaurants;
- swimming pool and other outdoor recreation sales;
- professional offices; and
- nurseries.

Note: This is a preliminary list for discussion purposes. A finalized list will be prepared later.

5) Notwithstanding the above, warehousing or storage of goods and materials will be permitted as an ancilliary use on lands designated retail/warehouse provided that the total area available for storage does not exceed 50% of the gross building area.

6) Notwithstanding the above, limited light industrial uses may be permitted in lands designated retail/warehouse subject to the following, as outlined in the City of Hamilton Official Plan policy A.2.2.18:

- the industrial activity is ancilliary to the uses specified above;
- the industrial activity does not exceed 33% of the gross leasable building area;
- adequate loading facilities are provided;
- adequate sewer and water services are available to the site;
- the industrial activity is not noxious by virtue of noise, heat, glare, dust, vibration, or other emissions; and
- the use does not interfere with the attractiveness or viability of the area for the primary permitted uses.

7) The outdoor storage or retailing of goods or materials will not be permitted, with the exception of nurseries, building pool sales, and automobile sales (new and used).

8) The following provisions will apply to lands designated retail/warehouse in the Neighbourhood Plan:

- the minimum lot frontage shall be 30 m. (100 ft.);
- the minimum lot depth shall be 100 m. (325 ft.);

9) The Urban Design Guidelines contained in Appendix "D" of this report provide specifications concerning building height, rear yards, and buffering of adjacent residential uses by means of landscaping, berms and fences. These features will vary within the study area, depending on the types of commercial area and the nature of adjacent uses.

10) Structures designed as office uses, clubs, restaurants, entertainment facilities or for recreational uses will be subject to special parking provisions.

11) No outdoor patios will be allowed in the rear yards of buildings or adjacent to residential areas.

12) Special design guidelines for the signage of commercial and other establishments fronting onto Upper James Street will be developed at a later date. These guidelines may include specifications controlling height, setback, size and construction.

13) Council will give consideration to special cases where existing narrow lots along Upper James Street make difficult the establishment of lots with at least 30 m (100 ft.) frontage.

Objective 2 - Neighbourhood-based Commercial

Neighbourhood-level commercial uses should be located in Ryckmans to provide for the daily and weekly needs of the Neighbourhood residents.

Policies

1) Commercial uses in the area where the internal collector road intersects Upper James Street, mid-way between Stone Church Road and Rymal Road, may contain neighbourhood commercial uses to serve the local residents.

2) Other neighbourhood-level commercial uses will be located in the Multi-Centre at Stone Church Road East and Upper James Street, and in the Ryckmans Multi-Centre at Stone Church Road East and Upper Wellington Street. The latter commercial area is in the Barnstown Neighbourhood.

APPENDIX "D"

RYCKMANS NEIGHBOURHOOD PLAN POLICIES
URBAN DESIGN GUIDELINES
FOR
UPPER JAMES STREET CORRIDOR

PURPOSE

The Upper James Street corridor serves as an entrance to the City. Urban design features such as landscaping, uniform building setbacks and service roads will help provide an attractive and unified appearance for the highway commercial development in this corridor. These features, as described in the following notes, will be implemented by means of site plan control.

COMPONENTS

There are three major component land use areas within this corridor:

1. Retail/Warehouse Areas

   These will be located along most of Upper James Street, between Stone Church and Rymal Road excluding the intersections at the north, south and mid-block locations.

   The permitted uses will include retail/warehouse establishments. Page 16 of the Ryckmans Neighbourhood Draft Policies report provides a preliminary list of permitted uses, for discussion purposes.

   The area will be designed for the use of automobile traffic.

   A landscaped strip at least 3.05 m (10 ft.) wide will be located adjacent to the Upper James Street road allowance*.

   A 21.34 m (70 ft.) wide) front service road will be located next to the landscaped strip. This will provide space for two rows of parked vehicles with a laneway in the middle. This service road will run north-south through each retail/warehousing area. Access will be provided to and from Upper James Street at a limited number of points.

   The retail/warehouse establishments will be located along a uniform mandatory building line, or front yard setback, approximately 24.39 m (80 ft.) from the road allowance. These buildings may have variable size, and variable rear lot lines, within a fixed building envelope of a depth which permits a rear service road.

*NOTE: The cross-section for the proposed widening of Upper James Street includes a 6.10 m (20 ft.) boulevard, 1.53 m (5 ft.) sidewalk and 1.01 m (3 ft.) grassy strip for the placement of utilities all within the road allowance, according to plans available from the Regional Engineering Department.

A 21.34 m (70 ft.) wide rear service road will be located along the rear of the commercial establishments. This will be similar to the front service road, providing space for two rows of parked vehicles with a laneway in the middle. This service road will provide access to rear parking and loading bays.

A 3.05 m (10 ft.) wide landscaped strip will be provided at the rear of the service road. Additional buffering in the form of berms, walls or wider landscaped strips will be provided if necessary to buffer sensitive adjacent uses such as residential properties.

The maximum building height permitted will be 8 stories, to prevent shading of the adjacent residential areas. The actual building height will likely be much less.

The total depth of this commercial area will be approximately 130 m (425 ft.) for most of the corridor, and 180 m (600 ft.) for a small section near Stone Church Road, as shown on the proposed Ryckmans Neighbourhood Plan.

The minimum lot frontage will be 30 m (100 ft.), and the minimum lot depth will be 100 m (325 ft.) for these retail/warehouse lands.

2. Mid-Block Node/Village

This will be located at a point approximately midway between Stone Church Road and Rymal Road, to the north and south of the proposed mid-block collector road.

The permitted uses will include neighbourhood-based retail and service uses, to serve the adjacent residential areas, possibly in combination with retail/warehouse or residential uses.

This area will be developed in the form of several small plazas, one located on each corner of the intersection. The plazas will be roughly U-shaped, with wide sidewalks to the front and parking areas to the rear.

The area will be designed primarily for the use of pedestrian traffic, rather than through automobile traffic. It will provide local neighbourhood-based shopping and other services for nearby residents. It will also act as a gateway to the neighbourhood, by means of the collector road. A small town atmosphere will be encouraged.

Unique design features will serve as landmarks, such as gateways, archways or decorative walls at the entrance to the neighbourhood. Special treatment of traffic signals, such as a tower in the center of the intersection, may also be considered. Pedestrian crossings could be moved back from the corners of this intersection if necessary, to enable turns to be made around a traffic signal tower, if such a feature is incorporated.

The maximum building height permitted will be 3 to 4 stories. This may enable mixed use buildings with commercial on lower floor(s) and residential on upper floor(s).

The depth of these areas will be approximately 130 m (425 ft.), with approximately 90 m (300 ft.) of frontage on both the north and south sides of the mid-block intersection.

3. Commercial and Open Space

Commercial uses will be permitted at the north and south corners of the Ryckmans neighbourhood, at the intersections of Upper James Street with Stone Church Road and Rymal Road.

The permitted uses and other requirements will be the same as for other commercial areas located elsewhere in the City.

The uniform mandatory front building line, front service road and landscaping will be the same as for the retail/warehouse areas located along Upper James Street elsewhere within the neighbourhood.

A special open space area will form part of the associated landscaping in the immediate vicinity of the intersection of Upper James Street and Stone Church Road, on all four corners.

The permitted uses for this special area will include the existing church, open space, parkland and possibly parking lots. The purpose of this designation is to preserve and enhance the significance of the Barton Stone United Church, on the south-west corner of the intersection, as a historical landmark in the area. The creation of an open space area will complement the existing cemetery lands, and ensure that the church stands out as a focal point, rather than competing visually with commercial buildings.

The open space area will be approximately 60 m (200 ft.) deep by 60 m (200 ft.) wide on each of the corners of the intersection or about the same size as the church site; and will be developed in conjunction with the commercial lands in this vicinity.

There will be a 3.05 m (10 ft.) landscaped strip at the rear and side of this open space area.

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 19 July 1999
CI-99-C

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development

SUBJECT: City Initiative 99-C – Proposed Official Plan Amendment for lands located at Nos. 505 to 537 Queenston Road and modifications in zoning for lands located at 509 and 531 Queenston Road (PDC99036)

RECOMMENDATIONS:

a) That Approval be given to Official Plan Amendment No. , to establish a "Special Policy Area" to permit limited commercial uses within the existing buildings, for lands located at Nos. 505 to 537 Queenston Road, as shown on the attached map marked as Appendix "A", as follows:

i. In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, limited commercial uses will be permitted within the existing buildings, provided the following criteria are met.

1) Commercial uses will be restricted to low impact type uses, such as offices, service uses and small scale retail uses. High traffic generating uses and highway type commercial uses, such as restaurants, billiard halls, automotive uses and service stations, will not be permitted.

2) Appropriate buffering will be provided between commercial uses and adjacent residential uses to mitigate potential adverse impacts, such as negative visual impacts, reduced privacy, increased noise, and light from parking areas. In this regard, measures such as setbacks, landscape strips and visual barriers may be used.

3) The low profile character of the area will be maintained. Accordingly, streetscape features and enhancements consistent with the residential character of the area will be provided, including the provision of landscaping along Queenston Road and Woodman Drive, and the preservation of existing vegetation. Also, alterations to building facades will be limited and business identification signs will be restricted.

4) Enlargements or additions to the existing buildings may be permitted only if they are in keeping with the established built form and residential character of the area.

5) Sufficient parking and maneuvering spaces are to be provided on-site for commercial and residential components.

ii) "Special Policy Area 79", which permits a naturopathic office within the existing building at No. 537 Queenston Road, will be deleted and the lands incorporated into the new "Special Policy Area" as noted above.

iii) That the General Manager of Community Planning and Development be authorized and directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth, in a form satisfactory to Corporate Counsel.

b) That the Approved Kentley Neighbourhood Plan be modified by redesignating lands from "Low Density Apartments" to "Single and Double Residential and Commercial Conversions" and by adding a note that states: "Commercial Conversions at 505 to 537 Queenston Road are subject to Design Guidelines as Approved by Council".

c) That the Urban Design Guidelines attached as Appendix "B" be adopted for the subject lands.

d) That Approval be given to City Initiative 99-C, for modifications to the established "B-1" (Suburban Agriculture and Residential, etc.) District regulations, to permit a denture clinic for the lands located at No. 509 Queenston Road (Block "1") and to permit a medical office for the lands located at No. 531 Queenston Road (Block "2"), shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

i. That the "B-1" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "1" (No. 509 Queenston Road), be modified to include the following variances as special requirements:

1) That notwithstanding Section 8A(1) of Zoning By-law 6593, the following additional uses shall be permitted:

A. A denture clinic on the ground floor of the existing building only.

B. One ground sign that shall not exceed 0.8 m in vertical dimension or 0.6 m^2 in area and shall not be illuminated unless the source of light is steady and suitably shielded to contain illumination.

C. One wall sign that shall not exceed an area of 1.2 m^2 and shall not be illuminated unless the source of light is steady and suitably shielded to contain illumination.

2) Notwithstanding Section 8A.(3)(i), a ground sign may be setback 0.0 m from the front lot line.

3) Sections 18A(11) and 18A(12) of Zoning By-law 6593 shall not apply.

4) Section 18A(14g) Zoning By-law 6593 shall not apply.

5) Section 18A(26) of Zoning By-law 6593 shall not apply.

6) That a landscaped planting strip of not less than 1.5 m in width shall be provided and maintained along the southerly lot line, adjacent to Queenston Road, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region of Hamilton-Wentworth, for a minimum 1.5 m wide landscaped planting strip within the widened road allowance limits of Queenston Road.

7) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire northerly lot line and along the easterly lot line, commencing at the northerly lot line, southerly for a distance of at least 26 m.

ii. That the "B-1" (Suburban Agriculture and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "2" (No. 531 Queenston Road), be modified to include the following variances as special requirements:

1) That notwithstanding Section 8A(1) of Zoning By-law 6593, the following additional uses shall be permitted:

A. A medical office on the ground floor of the existing building only.

B. One ground sign that shall not exceed 1.7 m in vertical dimension or 0.7 m^2 in area and shall not be illuminated unless the source of light is steady and suitably shielded to contain illumination.

2) Notwithstanding Section 8A.(3)(i), a ground sign may be setback 0.0 m from the front lot line.

3) Sections 18A(11) and 18A(12) of Zoning By-law 6593 shall not apply.

4) That a landscaped planting strip of an average width of 1.0 m, but not less than 0.9 m, shall be provided and maintained along the northerly lot line, commencing at the easterly lot line for a distance of at least 8 m westerly.

5) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire northerly lot line.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Section S- , and that the subject lands on Zoning District Map E-95 be notated S- .

iv) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-95 for presentation to City Council.

v) That the proposed modifications in zoning will be in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton Wentworth.

e) That the implementing Zoning By-law be held in abeyance until the applicants/owners have received Site Plan approval and entered into Site Plan agreements with the City of Hamilton.

f) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding Nos. 509 and 531 Queenston Road to Schedule "A".

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to establish a "Special Policy Area" to permit limited commercial uses within the existing buildings, for lands located at Nos. 505 to 537 Queenston Road, as shown on the attached Appendix "A", subject to the following restrictions:

- Commercial uses will be restricted to low impact type uses, such as offices, service uses and small scale retail uses. High traffic generating uses and highway type commercial uses, such as restaurants, billiard halls, automotive uses and service stations, will not be permitted.

- Appropriate buffering will be provided between commercial uses and adjacent residential uses to mitigate potential adverse impacts, such as negative visual impacts, reduced privacy, increased noise, and light from parking areas. In this regard, measures such as setbacks, landscape strips and visual barriers may be used.

- The low profile character of the area will be maintained. Accordingly, streetscape features and enhancements consistent with the residential character of the area will be provided, including the provision of landscaping along Queenston Road and Woodman Drive, and the preservation of existing vegetation. Also, alterations to building facades will be limited and business identification will be restricted.

- Enlargements or additions to the existing buildings may be permitted only if they are in keeping with the established built form and residential character of the area.

- Sufficient parking and maneuvering spaces are to be provided on-site for commercial and residential components.

- "Special Policy Area 79", which permits a naturopathic office within the existing building at No. 537 Queenston Road, will be deleted and the lands incorporated into the new "Special Policy Area", as noted above.

The purpose of the By-law is to provide for Zoning By-law modifications to the established "B-1" (Suburban Agriculture and Residential, etc.) District regulations for the lands located at Nos. 509 and 535 Queenston Road, shown as Blocks "1" and "2", respectively, on the attached APPENDIX "A".

Block "1" 509 Queenston Road

The effect of the By-law is to permit a denture clinic on the ground floor of the existing building only. The By-law will also recognize the existing signs, front yard parking area and landscaping. The By-law includes the following variances as special requirements:

- To permit a ground sign with a maximum height of 0.8 m and maximum sign area of 0.6 m^2, provided it is not illuminated unless the source of light is steady and suitably shielded to contain illumination.

- To permit a wall sign that shall not exceed an area of 1.2 m^2, provided it is not illuminated unless the source of light is steady and suitably shielded to contain illumination.

- To allow the ground sign to be setback 0.0 m from the front lot line.

- To allow parking within the required front yard.

- To exempt the parking area from the requirements of providing a 1.5 m landscaped planting strip and visual barrier between a parking area containing 5 or more spaces and a residential district.

- To permit the access driveway to be located within 3.0 m of the adjacent residential district, whereas the Zoning By-law requires access driveways for non-residential uses to provide a separation distance of 3.0 m from residential districts.

- To require a minimum 1.5 m wide landscaped planting strip along the southerly lot line, adjacent to Queenston Road, except any area used for vehicular access, OR a minimum 1.5 m wide landscaped planting strip may be provided within the Queenston Road road allowance (subject to an agreement with the Region).

- To require a visual barrier between 1.2 m and 2.0 m in height along the entire northerly lot line and along the easterly lot line commencing at the northerly lot line for a distance of at least 26 m southerly (e.g. within the rear yard, to approximately the front wall of the building).

Block "2" 531 Queenston Road

The effect of the By-law is to permit a medical office on the ground floor of the existing building only. The By-law will also recognize the existing sign, rear yard parking area and landscaping. The By-law includes the following variances as special requirements:

- To permit a ground sign with a maximum height of 1.7 m and maximum sign area of 0.7 m^2 provided no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination.

- To allow the ground sign to be setback 0.0 m from the front lot line.

- To exempt the parking area from the requirements of providing a 1.5 m landscaped planting strip and visual barrier between the parking area containing 5 or more spaces and a residential district.

- To require a visual barrier not less than 1.2 m in height and not more than 2.0 m in height along the entire northerly lot line.

- To require a landscaped planting strip of an average width of 1.0 m, but not less than 0.9 m, along the northerly lot line, commencing at the easterly lot line for a distance of at least 8 m westerly.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least 1 public meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

BACKGROUND:

The subject lands, 505 to 537 Queenston Road, as shown on APPENDIX "A", are located within the Kentley Neighbourhood and are designated "Low Density Apartments" by the Approved Neighbourhood Plan. On September 29, 1998, Council approved Official Plan Amendment No. 154 and rezoning application ZAC-98-27, to permit a portion of the dwellings at 535 and 537 Queenston Road to be converted for office use. As part of the resolution to approve these development applications, Council also directed the Community Planning and Development Division to undertake a

Neighbourhood Plan review of the subject lands (505 to 537 Queenston Road). There are nine properties within this area, three of which have been rezoned for office uses. Consequently, the long term feasibility of apartment development required review.

Accordingly, the Community Planning and Development Division has undertaken a land use review for the subject lands. The study identified four land use options for the study area. On April 19, 1999, a public information meeting was held with the Ward Aldermen and area property owners to discuss the land use options for the area.

After consideration of public input, a recommendation was made to the Planning and Development Committee on May 19, 1999 to endorse Option 3 b) Mixed Uses – Commercial Conversions and Dwellings. This option involves the recognition of the area as a mixed use area (i.e. commercial and residential). Single and two-family dwellings, as well as limited commercial uses within the existing buildings, would be permitted subject to design standards to achieve compatibility. An implementation strategy was also identified for Option 3 b). Council endorsed the land use option and implementation strategy on May 25, 1999.

The purpose of this report is to consider the necessary planning document amendments to implement the land use Option 3 b) Mixed Uses – Commercial Conversions and Dwellings). The implementation strategy approved by Council requires:

- An Official Plan Amendment;
- A Neighbourhood Plan Amendment including Design Guidelines;
- Zoning amendments for Nos. 509 and 531 Queenston Road; and,
- A Site Plan Control By-law for Nos. 509 and 531 Queenston Road.

With regard to the proposed zoning amendment, it should be noted that only two properties within the study area are being rezoned at this time. As a result of the land use review, it has come to the attention of the City that Nos. 509 and 531 Queenston Road were converted for commercial uses in contravention of the established "B-1" (Suburban Agriculture and Residential, etc.) District zoning. The building at No. 509 is being used for a denture clinic and the property at No. 531 is being used for a medical office. No. 509 Queenston Road was converted for commercial uses in about 1996, whereas No. 531 was converted in approximately 1971. Both property owners have recently been issued Orders To Comply and are awaiting the outcome of the land use study to determine their course of action to bring the properties into compliance with the Official Plan and Zoning By-law.

It is the intent of the implementation strategy approved by Council that rezonings for other properties in the study area not be undertaken until specific proposals are submitted and evaluated in terms of the criteria in the Official Plan and Neighbourhood Plan amendments. This procedure is in keeping with the mixed use concept, which allows for long term commercial and residential uses.

LOT SIZES AND AREAS:

Proposed Official Plan Amendment – 505 to 537 Queenston Road

The proposed "Special Policy Area" would comprise nine properties with approximately 7,887.6 m^2 of land. The lands have approximately 107 m of frontage on Queenston Road, west of Woodman Drive and approximately 45.7 m of frontage on Queenston Road, east of Woodman Drive. The area has a depth of approximately 45.7 m.

Proposed Rezonings

The lands known as No. 509 Queenston Road have:

- 15.24 m of frontage on Queenston Road;
- 45.7 m of depth; and
- an area of 696.8 m^2.

The lands known as No. 531 Queenston Road have:

- 15.24 m of frontage on Queenston Road;
- 45.7 m of flankage along Woodman Drive; and
- an area of 696.8 m^2.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands		
505 Queenston Rd	Chiropractor office	"B-1" (Suburban Agriculture and Residential, etc.)District, modified
509 Queenston Rd	Denture Clinic	"B-1" (Suburban Agriculture and Residential, etc.)District
513, 517 & 519 Queenston Rd	Single-family dwellings	"B-1" (Suburban Agriculture and Residential, etc.)District
523 Queenston Rd	Converted 2 family dwelling	"B-1" (Suburban Agriculture and Residential, etc.)District

531 Queenston Rd	Medical office	"B-1" (Suburban Agriculture and Residential, etc.)District
535 Queenston Rd	Chiropractic office	"B-1" (Suburban Agriculture and Residential, etc.)District, modified
537 Queenston Rd	Naturopathic clinic	"B-1" (Suburban Agriculture and Residential, etc.)District, modified
Surrounding Land Use		
To the North	Townhouses and Single Family dwellings	"DE" (Low Density Multiple Dwellings) District, modified and "B-1" (Suburban Agriculture and Residential, etc.) District, modified
To the South	Multiple dwellings	"E-2" (Multiple Dwellings) District
To the East	Multiple dwellings	"E-2" (Multiple Dwellings) District
To the West	Multiple dwellings	"E-2" (Multiple Dwellings) District, modified

OFFICIAL PLAN:

The subject lands, 505 to 537 Queenston Road are designated "Residential" on Schedule "A" – Land Use Concept of the Official Plan. The primary uses permitted in areas designated "Residential" are dwellings. The proposed land use Option for the area, that is to permit limited commercial uses within the existing dwellings, does not comply with the "Residential" designation. There is no appropriate mixed use designation in the Official Plan, therefore, the "Residential" designation should be retained and a new "Special Policy Area" should be established for the subject lands. The Official Plan Amendment should also include criteria for commercial conversions, to ensure land use compatibility and sensitive design.

In addition to the above, Official Plan Amendment No. 154, approved by the Region on December 16, 1998, established "Special Policy Area 79" for the lands located at No. 537 Queenston Road. This purpose of Official Plan Amendment No. 154 is to permit a naturopathic clinic within the existing building at 537 Queenston Road. This Official Plan Amendment is more restrictive than the proposed Official Plan Amendment, since it allows only a naturopathic clinic, rather than a range of limited commercial uses. Furthermore, the property at 537 Queenston Road should be subject to the criteria proposed for the remainder of the study area. Accordingly, it would be appropriate to

delete "Special Policy Area 79" and include 537 Queenston Road in the new "Special Policy Area".

NEIGHBOURHOOD PLAN:

The study area is designated "Low Density Apartments" by the Approved Kentley Neighbourhood Plan. Implementation of the land use option approved by Council will require a redesignation from "Low Density Apartments" to "Single and Double Residential and Commercial Conversions".

Design guidelines, attached as Appendix "B", should be endorsed for the area and incorporated as part of the Approved Neighbourhood Plan. This can be done by including a note on the Plan referring to the Guidelines approved by Council. The Design Guidelines would provide direction to property owners when they convert dwellings for commercial uses by illustrating how the criteria set out in the proposed Official Plan Amendment could be met.

COMMENTS RECEIVED:

- The Building Department, Department of Public Works and Traffic and Hamilton Region Conservation Authority have no comments or objections.

- The Development Engineering Section of the Community Planning and Development Division has advised the following:

  There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  Comments 1 to 4 inclusive below were included in our previous response dated February 3, 1999 and it appears that most of those items were included in this OPA and City Initiative.

  1. The designated road allowance width of Queenston Road is 36.58m. In accordance with this designation, the Region of Hamilton-Wentworth has prepared Reference Plan 62R-133 outlining lands required for road widening purposes. The additional widening to establish the designated width is approximately 4.57m in width. These road widenings will be required in accordance with Regional Council Policy P-1.

  2. It is desirable to consolidate individual parcels of land on major arterial roadways such as Queenston Road to provide for block development with consolidated and/or shared access points to the arterial road for shared parking, loading, etc. However, as noted in the report, this may be difficult to achieve on properties which already have been developed or redeveloped.

     Proposed Official Plan Amendment CI-99-C to establish a "Special Policy Area" for lands located at Nos. 505 to 537 Queenston Road and Proposed Modification to the established "B-1" (Suburban Agriculture and Residential,

etc.) District regulations for lands located at No. 509 (Block 1) and No. 531 (Block 2) Queenston Road, Hamilton

With respect to this study area it appears that the majority of the accesses, whether they provide access to legal or illegal uses, already exist. One drawback to having accesses on the arterial road within 60m of the centreline of a signalized intersection is that fact that access to properties could be restricted at some future date should raised concrete median islands be constructed on Queenston Road.

In reviewing these individual developments, there should be adequate parking and manoeuvring on site to ensure that vehicles accessing and parking on the site can enter the property, turn around and then enter Queenston Road in a forward manner. Although these matters can be finalized at the site plan stage, the capability of access and on-site parking, etc. should be determined at the zoning stage.

3. We advise that the visual barriers adjacent to the side property lines should be set back far enough from the Queenston Road road allowance limits, as widened, to provide the required minimum visibility triangles between the access and road allowance limits.

4. We have reviewed our pavement cross sections on Woodman Avenue and note that the easterly limit of the municipal sidewalk is at the property line at Queenston Road. The owner of lands at No. 531 Queenston Road should be advised of a future daylight triangle widening at the intersection of Queenston Road and Woodman Avenue in addition to the required widening on Queenston Road.

   Proposed Official Plan Amendment CI-99-C to establish a "Special Policy Area" for lands located at Nos. 505 to 537 Queenston Road and Proposed Modification to the established "B-1" (Suburban Agriculture and Residential, etc.) District regulations for lands located at No. 509 (Block 1) and No. 531 (Block 2) Queenston Road, Hamilton

5. With respect to the sample plans submitted with the document, it is our recommendation that any commercial access to Queenston Road be constructed wide enough to accommodate simultaneous two-way passenger vehicle traffic.

COMMENTS:

1. Since the subject lands are designated "Residential" an Official Plan Amendment would be required. A "Special Policy Area" should be established to permit limited commercial uses within the existing buildings, in accordance with the following policy:

   - Commercial uses will be restricted to low impact type uses, such as offices, service uses and small scale retail uses. High traffic generating uses and highway

type commercial uses, such as restaurants, billiard halls, automotive uses and service stations, will not be permitted.

- Appropriate buffering will be provided between commercial uses and adjacent residential uses to mitigate potential adverse impacts, such as negative visual impacts, reduced privacy, increased noise, and light from parking areas. In this regard, measures such as setbacks, landscape strips and visual barriers may be used.

- The low profile character of the area will be maintained. Accordingly, streetscape features and enhancements consistent with the residential character of the area will be provided, including the provision of landscaping along Queenston Road and Woodman Drive, and the preservation of existing vegetation. Also, alterations to building facades will be limited and business identification signs will be restricted.

- Enlargements or additions to the existing buildings may be permitted only if they are in keeping with the established built form and residential character of the area.

- Sufficient parking and maneuvering spaces are to be provided on-site for commercial and residential components.

In addition, Special Policy Area 79", which permits a naturopathic office within the existing building at No. 537 Queenston Road, will be deleted and the lands incorporated into the new "Special Policy Area".

2. The proposal does not comply with the Approved Kentley Neighbourhood Plan and requires a redesignation from "Low Density Apartments" to "Single and Double Residential and Commercial Conversions".

   In addition, the Design Guidelines attached as APPENDIX "B" should be endorsed for the area and incorporated as part of the Approved Neighbourhood Plan. This will establish performance standards to ensure that the quality of the streetscape is maintained and impacts on abutting residential uses are minimized. The Design Guidelines will be implemented through site specific Zoning By-law amendments and Site Plan Control. Furthermore, the Design Guidelines would provide direction to property owners when they convert dwellings for commercial uses by illustrating how the criteria set out in the proposed Official Plan Amendment (above) could be met. The Approved Kentley Neighbourhood Plan should also be amended to include a note on the Plan indicating that all development within the subject lands is subject to Design Guidelines as approved by Council.

3. The proposed Official Plan Amendment, Neighbourhood Plan Amendment and rezonings have merit and can be supported on the following basis:

- The proposal complies with the Regional Official Plan which identifies Queenston Road as a "High Density Mixed-Use Corridor", and promotes a compact mixed use form of development.

- The proposal would be consistent with development which has already occurred at Nos. 505, 535 and 537 Queenston Road, where dwellings have been converted for commercial use. In addition, commercial development, with "HH" (Restricted Community Shopping and Commercial) District zoning, is interspersed with multiple residential development to the east on Queenston Road. Therefore, this option would not be out of character with mixed use development in the area.

- The subject lands are located at the periphery of the Kentley Neighbourhood; therefore, there would be no intrusion of commercial uses into the residential areas within the Neighbourhood. Furthermore, Queenston Road is an arterial road and serviced by public transit.

- The low profile character of the area could be maintained, which would help minimize impacts on abutting residential uses, specifically, the townhouse dwellings to the north. Furthermore, commercial uses will be limited to low impact type uses, and Design Guidelines and Site Plan Control will be utilized to ensure sensitive design and land use compatibility.

4. A number of variances to the "B-1" (Suburban Agriculture and Residential, etc.) District regulations are required to permit the conversions of Nos. 509 and 531 Queenston Road for commercial uses. In addition, as part of the Neighbourhood Review undertaken for the area, Urban Design Guidelines have been prepared (see APPENDIX "B"). The following is an explanation of variances and special regulations.

<u>Block "1" 509 Queenston Road</u>

- Signage

Two business identification signs have been erected on this property. One is a 0.6 m^2 ground sign located in the front yard. It is a small ground oriented sign, which is in keeping with the proposed Design Guidelines and does not detract from the character of the area. In addition, a 1.2 m^2 wall sign has been erected. Although the proposed Design Guidelines discourage wall signs, this sign is mounted on the garage door of the building. Therefore, the sign does not significantly affect the building facade or alter the low profile appearance of the area. Accordingly, variances to permit the existing signs at 509 Queenston Road can be supported.

It appears the ground sign is located very close to the front lot line, although a site plan has not been submitted to determine the actual setback. As the sign is a small ground oriented sign, it is not visually obtrusive at its current location. Accordingly, a variance can be supported to allow a 0.0 m setback for the ground sign.

If the ground sign is actually located within the existing or widened road allowance of Queenston Road, it may have to be relocated to private property. The exact location of the sign will be confirmed at the Site Plan stage.

- Front Yard Parking

The parking area for 509 Queenston Road is currently located in the front yard. Front yard parking does not conflict with the proposed Design Guidelines for the area. Furthermore, other commercial conversions provide front yard parking (e.g. 535 and 537 Queenston Road). Therefore, a variance to allow the parking area in the front yard can be supported.

- Street Landscaping

The proposed Design Guidelines require the provision of landscape treatment along Queenston Road (e.g. a landscape strip with an average width of 2.0 m). The existing parking area provides a landscaped strip of at least 1.5 m along the streetline. However, since no site plan has been submitted, it is difficult to determine if this landscaping is located on private property, or on the road allowance. Furthermore, road widening along Queenston road is yet to be dedicated. Therefore, a special requirement is proposed which permits the landscape strip to be provided either on private property or on the road allowance (subject to the appropriate agreement). A similar variance was recently approved for the properties at Nos. 535 and 537 Queenston Road. A reduction from the suggested average minimum width of 2.0 m to a minimum width of 1.5 can be supported on the basis that additional front yard landscaping (e.g. immediately in front of the building) is provided which enhances the appearance of the site.

- Buffering

The proposed Design Guidelines call for visual barriers between commercial uses and residential uses. Therefore, in order to buffer adjacent residential uses, visual barriers between 1.2 m and 2.0 m in height should be required along the entire northerly lot line and along the easterly (side) lot line. There are two trees along the side lot line in the front yard between 509 and 513 Queenston Road, which should be preserved. Therefore, the visual barrier along the easterly lot line should be permitted to discontinue at approximately the front wall of the existing building (26 m from the rear lot line).

In addition to visual barriers, the proposed Design Guidelines call for landscaped buffer strips between commercial uses and existing residential uses. Residential uses are located to the north and to the east of 509 Queenston Road. However, the existing access driveway is located approximately 0.6 m from the easterly side lot line in the front yard, therefore, it is not feasible to require a 1.5 m landscaped strip along the side lot line. Also, the Zoning By-law requires access driveways for non-residential uses to provide a separation distance of 3.0 m from residential districts. A variance is required to eliminate this requirement. This

variance and landscape reduction can be supported on the basis that other landscape and buffering features will be provided to enhance the area and buffer adjacent uses.

A variance has also been included to exempt the property from the requirement of a 1.5 m landscaped planting strip and visual barrier between a parking area containing 5 or more spaces and a residential district. It is noted that, although the site may not meet these standard provisions, buffering provisions will still be provided and required as detailed above.

Block "2" No. 531 Queenston Road

- Signage

One 0.7 m^2 business identification sign has been erected in the front yard of this property. It is a small ground oriented sign, which is in keeping with the proposed Design Guidelines and does not detract from the character of the area. Accordingly, a variance to permit the existing sign at 531 Queenston Road can be supported.

It appears this ground sign is also located very close to the front lot line, although a site plan has not been submitted to determine the actual setback. As the sign is a small ground oriented sign, it is not visually obtrusive at its current location. Accordingly, a variance can be supported to allow a 0.0 m setback for the ground sign.

If the ground sign is actually located within the existing or widened road allowance of Queenston Road, it may have to be relocated to private property. The exact location of the sign will be confirmed at the Site Plan stage.

- Street Landscaping

The proposed Design Guidelines suggest landscape treatment along the Woodman Drive streetline. The existing parking area at 531 Queenston Road is located in the rear yard, adjacent to Woodman Drive. The setback of the parking area from the property line is difficult to determine as no site plan has been submitted. There may be some opportunity to enhance Woodman Drive with additional landscaping, however, this issue is best reviewed when a Site Plan application is made and additional information is available. Therefore, no special requirement is included for landscaping along Woodman Drive.

- Buffering

The proposed Design Guidelines call for visual barriers between commercial uses and residential uses. Therefore, in order to buffer adjacent residential uses, a visual barrier between 1.2 m and 2.0 m in height should be required along the entire northerly lot.

In addition to visual barriers, the proposed Design Guidelines call for landscaped buffer strips between commercial uses and existing residential uses. Residential uses are located to the north of No. 531 Queenston Road, adjacent to the rear yard parking area. A landscaped strip should be provided along the northerly lot line. However, the area has been paved for over 20 years without the provision of a 3.0 m landscape strip as encouraged by the proposed Design Guidelines. Furthermore, a detached accessory garage is located approximately 0.45 m from the rear lot line. Therefore, it is not feasible to require the 3.0 m wide landscaped strip. However, there is provision for a landscaped strip of an average width of 1.0 m along a portion of the rear lot line and this has been included as a special requirement.

A variances has also been included to exempt the property from the requirement of a 1.5 m landscaped planting strip and visual barrier between a parking area containing 5 or more spaces and a residential district. It is noted that, although the site may not meet these standard requirements, buffering provisions will still be provided and required as detailed above.

5. In accordance with the implementation strategy approved by the Planning and Development Committee and Council, properties, which are being converted for commercial uses, should be placed under Site Plan Control. Accordingly, the lands at Nos. 509 and 531 Queenston Road should be placed under Site Plan Control.

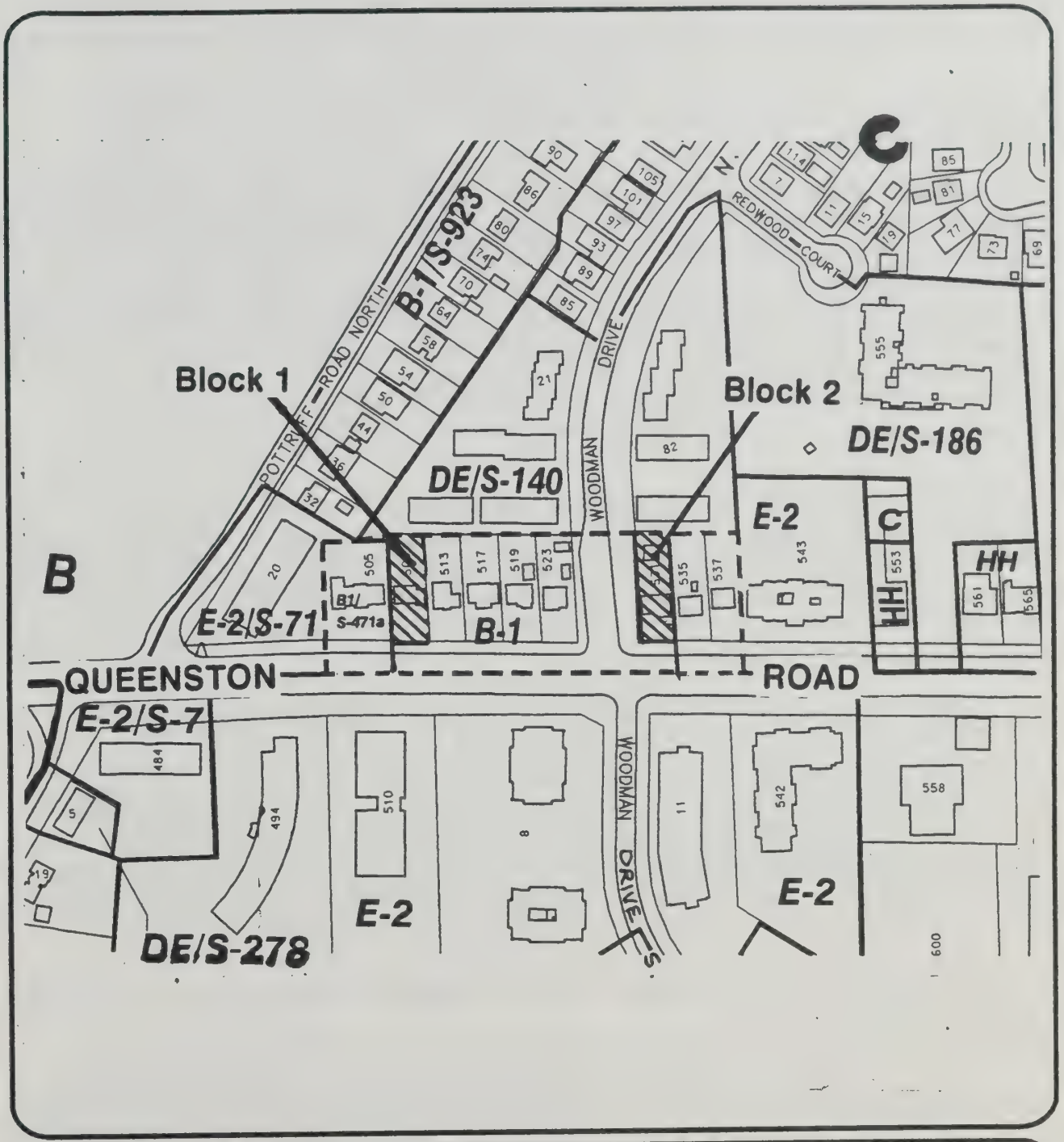
   As the commercial uses have already been established at both properties, the amending zoning by-laws should be held in abeyance, pending Site Plan approval. Also, the variances for 509 and 531 Queenston Road have been determined without the benefit of preliminary a site plan or concept plan, since they have not yet been submitted to the City. Holding the by-laws in abeyance will allow the variances to be modified if necessary, after Site Plan review.

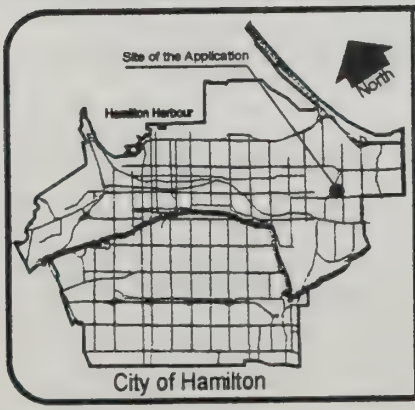
6. The Transportation, Operations and Environment Division have indicated that a road widening of 4.57 m will be required along Queenston Road and a further road widening may be required for a daylight visibility triangle at the intersection of Queenston Road and Woodman Drive. These road widenings should be acquired by the Region as conditions of Site Plan Approval.

CONCLUSION:

Based on the foregoing, the City Initiative can be supported.

CL-M





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

------ Proposed Official Plan Amendment to establish a "Special Policy Area"

Block 1 & Block 2 Proposed Modification to the established "B-1" (Suburban Agriculture and Residential etc.) District regulations

Reference file:	**CI-99-C**
Scale	**Not to Scale**
Date	**June, 1999**
Technician:	**J.Sims**
	APPENDIX 'A'

APPENDIX A

Design Guidelines for 505 to 537 Queenston Road Within the Kentley Neighbourhood

Design Principles

The subject lands are designated by the Official Plan and Approved Kentley Neighbourhood Plan to allow residential uses, as well as, commercial conversions of existing buildings. The following design concepts should be incorporated into plans for commercial conversion within the area designated "Single and Double Residential and Commercial Conversions" located at 505 to 537 Queenston Road. The intent of these guidelines is to maintain the low profile character of the area and mitigate impacts of commercial conversions on adjacent residential uses.

1. Buffering

Buffering is an essential element in mixed-use areas, or when residential land uses are located in close proximity to more intense land uses such as commercial uses. The intent of buffering is to mitigate any negative impacts created by the commercial uses on the residential uses. Examples of potential negative impacts to be mitigated are visual impacts resulting from the commercial use, reduced privacy, increased noise, and increased light from parking areas.

Visual Barriers should be provided between commercial uses and residential uses:

- 1.2 m to 2.0 m high visual barrier along rear lot lines.
- 1.2 to 2.0 m high visual barrier along any side lot line which abuts a residential district or use. In some cases, due to the location of existing features, such as access driveways and vegetation, it may not be feasible to provide a visual barrier along the entire side lot line. In these cases, the visual barrier should be provided up to the front wall of the dwelling being converted for commercial use.

Landscape strips should be provided wherever possible between commercial uses and residential uses:

- If parking is provided in rear yards, the entire rear yard should not be paved. A minimum 3.0 m landscape strip should be required along rear lot lines, to include vegetation suitable for buffering purposes.
- A minimum 1.5 m wide landscape strip along any side lot line, which abuts a residential use or district.

Separation Distances of parking areas, driveway accesses and buildings should be adequate to buffer adjacent residential uses.

APPENDIX B

- A minimum 3.0 m landscaped strip should be provided between any parking area in a rear yard and the adjacent residential uses to the north. As stated above, this should also be landscaped.
- Parking areas and access driveways should be setback a minimum of 1.5 m from side lot lines of abutting residential uses, wherever possible.
- All buildings should meet required minimum setbacks.

Lighting may be necessary for safety, but should be sensitive to adjacent residential uses.

- Any lighting in rear or front yard parking areas should be appropriately located and designed to direct light away from adjacent residential uses.

2. Streetscape

Since mixed uses will be permitted the intent is to maintain and enhance the low profile character of the area and preserve features of the residential streetscape.

Existing Buildings

- Commercial uses should be restricted to existing buildings.
- Changes to existing building facades should be limited and consistent with established residential development. For example, large display windows and wall signs should not be permitted.
- Enlargements or additions to the existing buildings may be permitted only if they are in keeping with the established built form and residential character of the area. The height, bulk and size of buildings, including a proposed addition, should be consistent with the established development.

Signage

- Business signs should be limited to low ground oriented signs, similar to those for existing commercial uses, or a name plate type sign.
- Ground signs should generally not exceed a maximum area of 0.6 m^2 and vertical dimension of 0.9 m.
- Name plate style signs should not exceed an area of 0.2 m^2
- Pylon ground signs should not be permitted and wall signs should be discouraged.

Landscaping

- Existing vegetation should be maintained wherever possible.
- Street trees along Queenston Road should be preserved.
- Entire front or rear yards should not be paved to provide for parking.
- Landscape treatment should be provided along Queenston Rd., whether parking is located in the front yard or not.

- If parking areas are provided in the rear yards for the corner lots, landscape treatment should also be provided along Woodman Drive.
- Landscape strips along streetlines should be consistent with the minimum requirements for commercial zones: a landscape planting strip along the entire streetline with a minimum average width of 2.0 m, but not less than 1.0 m (excepting access driveways).

3. Parking and Access

- Depending upon site characteristics, parking areas may be located in the front or rear yards, subject to the buffering and landscape principles above.
- No new accesses are to be created. The sharing and co-ordination of accesses between abutting properties will be encouraged.
- Access driveways for commercial conversions should be wide enough to accommodate two-way traffic (e.g. minimum of 5.5 m).
- Required parking and maneuvering must be provided on-site. Vehicles must be able to maneuver on-site. Situations, which require vehicles to back out onto Queenston Road, will not be permitted.
- Parking areas should not encroach into the road allowances.

4. Pedestrian Access and Walkways

- Consideration should be given to the provision of defined pedestrian walkways (e.g. separate from parking areas and access driveways) wherever feasible.
- Sufficient separation should be provided between the parking areas and pedestrian sidewalks on municipal streets.

Development Concepts

Three potential development concepts are attached which may be used as guidelines for commercial conversions:

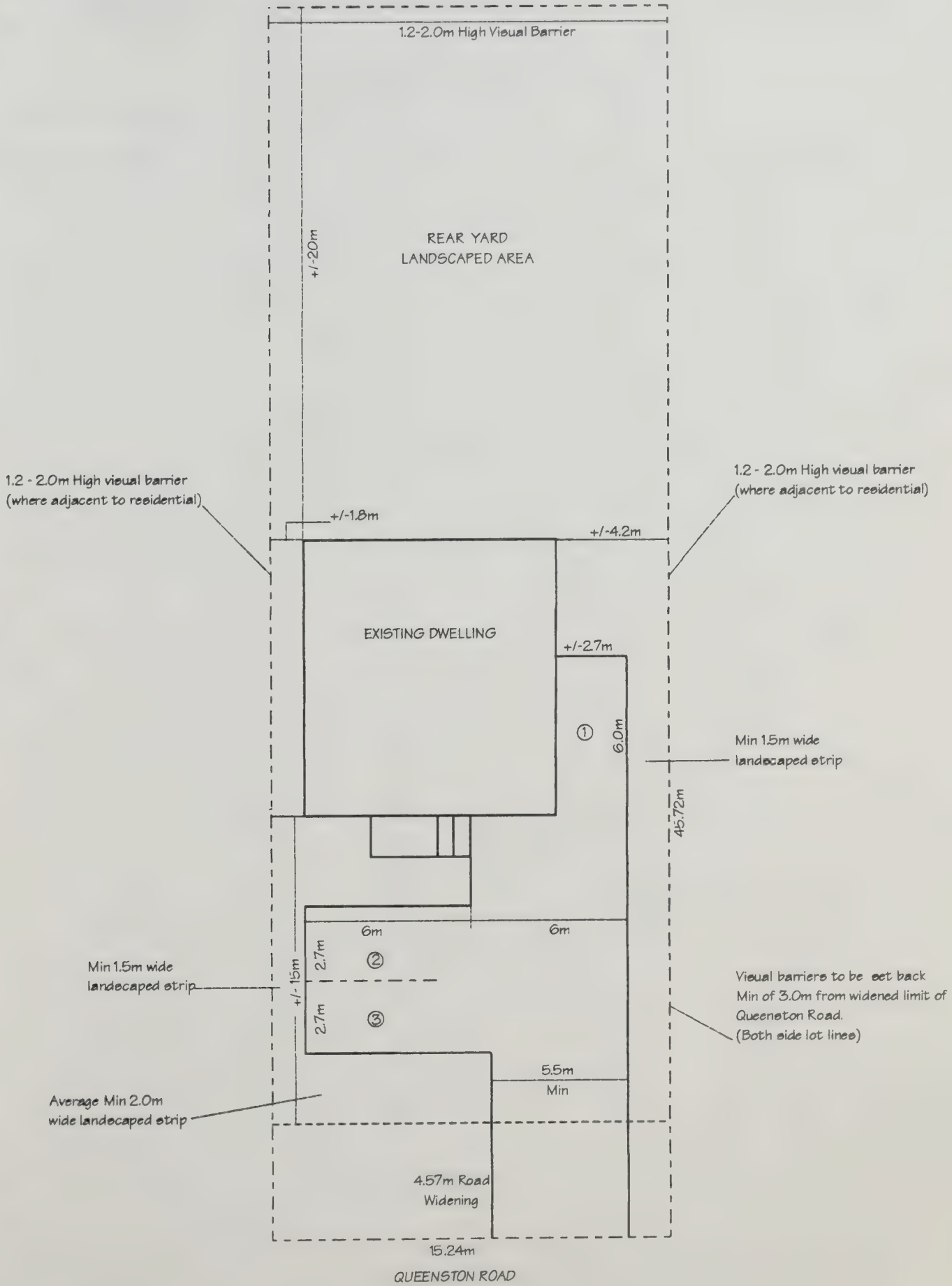
- Development Concept A - Front Yard Parking
- Development Concept B - Rear Yard Parking
- Development Concept C – Rear Yard Parking with Mutual Drive

Implementation

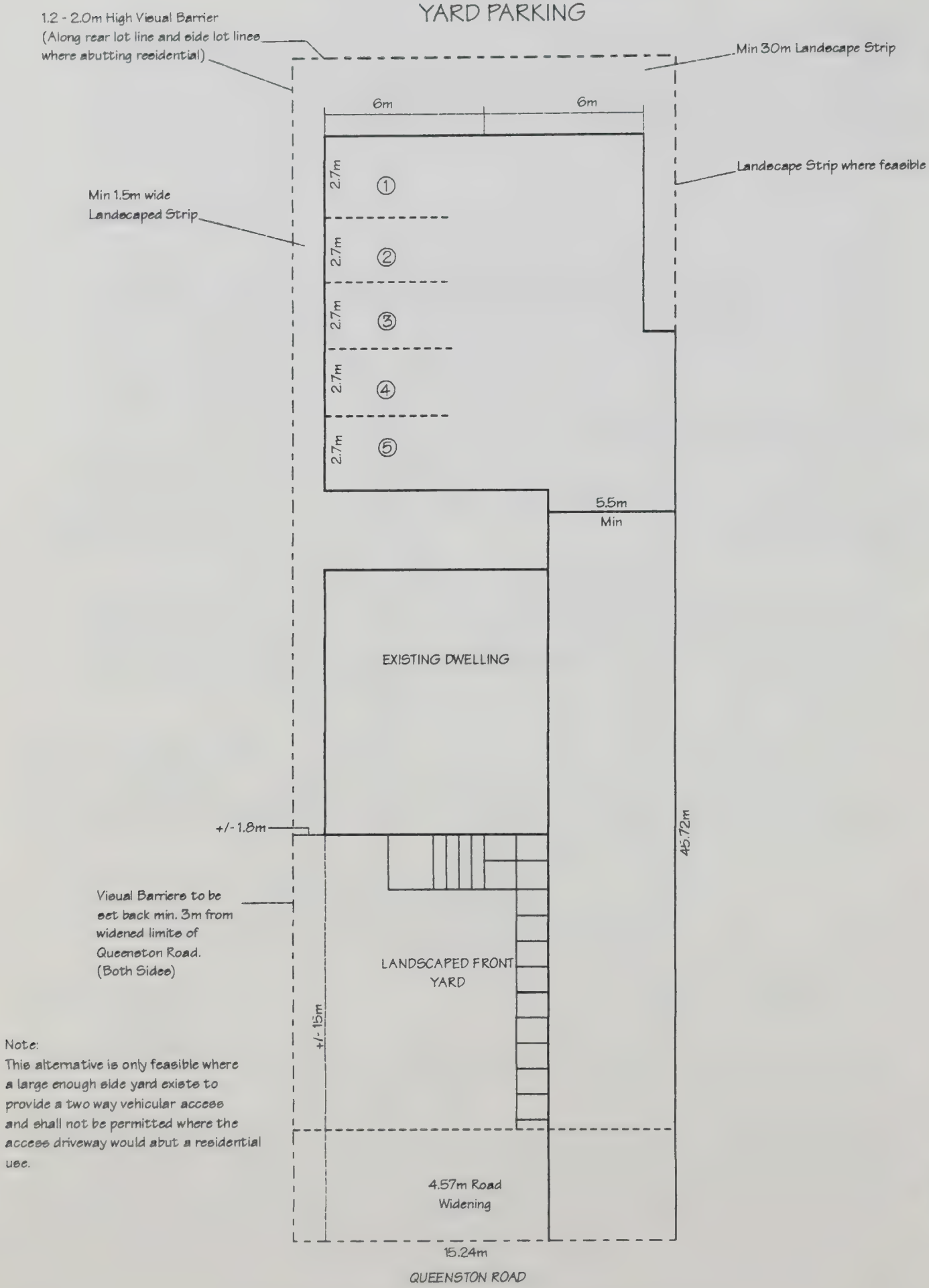
These Design Guidelines will be implemented through site specific zoning by-law amendments and through Site Plan Control.

It should be noted that these concepts and guidelines are intended to illustrate how the design principles may be implemented. It is not expected that every commercial conversion will follow these alternatives exactly. The principles set out in these guidelines should be adhered to wherever possible.

DEVELOPMENT CONCEPT A
FRONT YARD PARKING

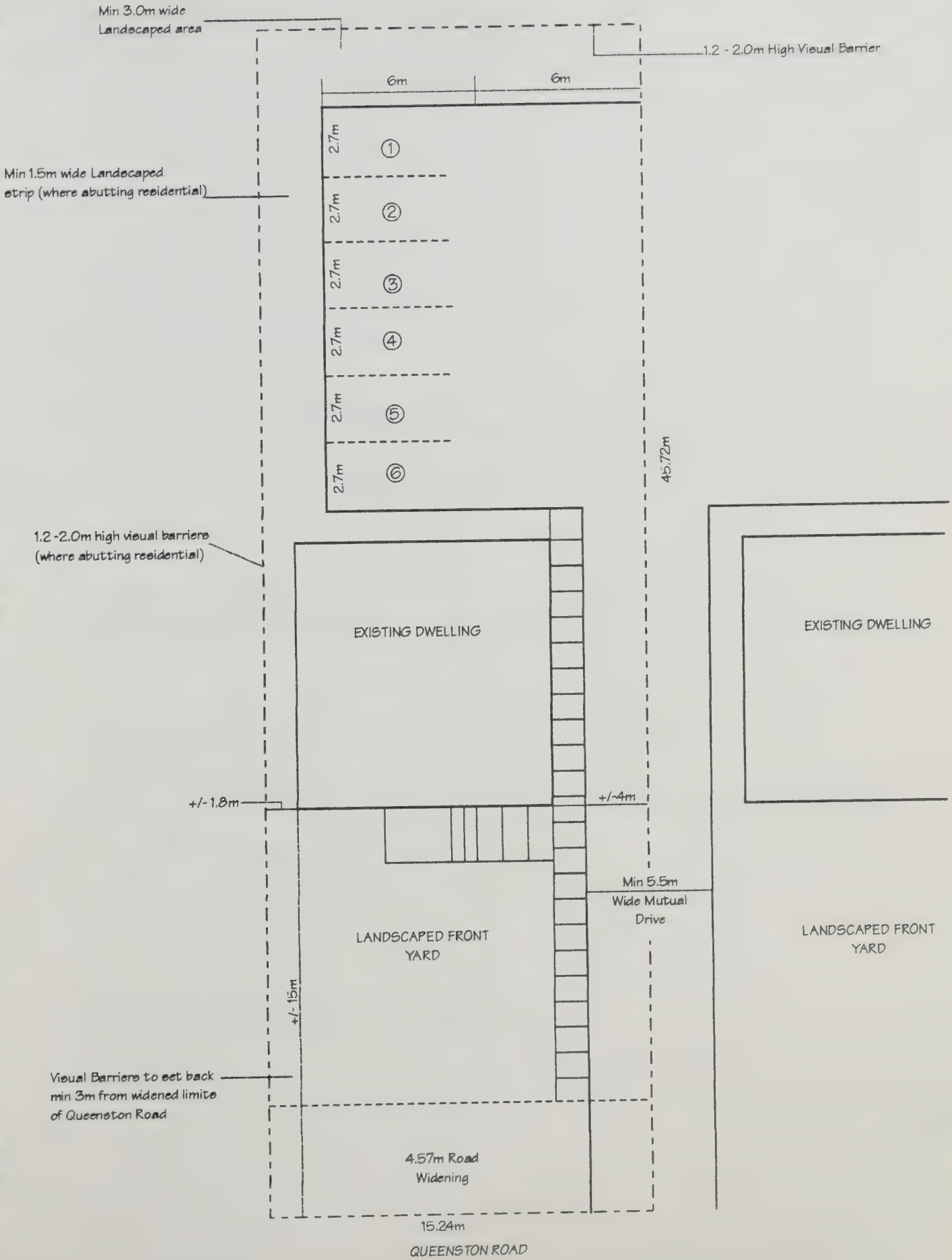


DEVELOPMENT CONCEPT B-REAR YARD PARKING



Note:
This alternative is only feasible where a large enough side yard exists to provide a two way vehicular access and shall not be permitted where the access driveway would abut a residential use.

DEVELOPMENT CONCEPT C -REAR YARD PARKING WITH MUTUAL DRIVE



A. DeSANTIS HOLDINGS LTD.

6a)

AIN STREET EAST, SUITE #202
AMILTON, ONTARIO, L8N 1E8

PHONE (905) 777-0252
FAX (905)777-0263

July 30, 1999

City of Hamilton
Planning & Development
71 Main St. West
Hamilton, Ontario

ATTENTION: MUNICIPAL CLERK

REGARDING: INITIATIVE CI-99-C

Dear Sir/Madam:

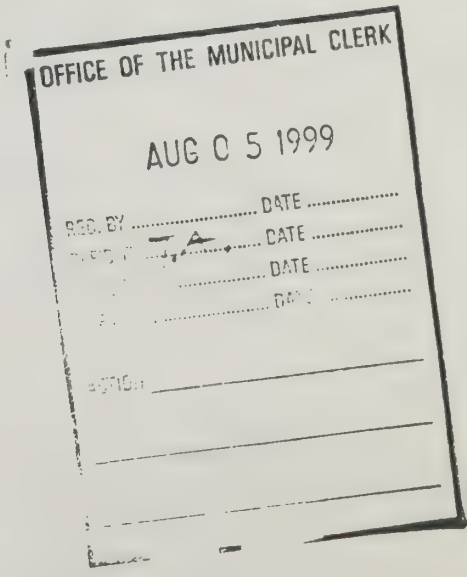
Please be advised that we would like to be notified of the adoption of the proposed Official Plan Amendment for lands located at

Nos. 505 to 537 Queenston Rd.

Also please note our correct address as printed on our letterhead.

Thanking you, I remain
Yours truly
A. DeSANTIS HOLDINGS LTD.

Anthony DeSantis Jr., M.B.A.
PROPERTY MANAGEMENT DIRECTOR



7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 July 22
ZAC-99-19
Mountview Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: LeeAnn Coveyduck
General Manager, Community Planning and Development Division

SUBJECT: Request for an Official Plan Amendment and further modification in zoning for lands located west of Chedmac Drive (PDC99046)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to redesignate the subject lands from "Residential" to "Major Institutional" to permit a nursing home for lands located on Chedmac Drive, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That the subject lands be redesignated from "Residential" to "Institutional" on Schedule A of the Official Plan;

(i) That the subject lands be redesignated from "Medium Density Residential" to "Major Institutional" on "Chedmac Secondary Plan Schedule J-1";

(iii) That Subsection A.6.1.2. i) (5), respecting Medium Density II residential development, be deleted in its entirety;

(iv) That Subsection A.6.1.2 ii) be deleted in its entirety and replaced with the following:

"ii) It is intended that Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional Health facility. **In addition, other institutional uses, including the Twin Pad Arena and the nursing home located on the south side of Chedmac Drive, provide community services to the Neighbourhood and Community. Lands designated "Institutional" shall be**

developed in accordance with the attached Schedule "J-1" – Chedmac Planning Area Secondary Plan, Subsection A.2.6 – Major Institutional Uses of this Plan, and the following policies:

a) New Major Institutional health related facilities shall be designed to facilitate a comprehensive campus-like setting.

b) New Major Institutional recreational facilities shall be designed in a comprehensive manner with existing recreations facilities.

c) The development of any new institutional facilities, **including those associated with Chedoke-McMaster Hospitals,** shall be designed to mitigate any negative impact on adjacent residential development.

d) A nursing home located on the south side of Chedmac Drive shall have a maximum capacity of 160 residents."

(iv) That Subsection A.6.1.2.iv)f) be revised by replacing the phrase "townhouse/apartment" with "townhouse".

(b) That the Corporate Counsel be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(c) That approval be given to **Zoning Application ZAC-99-19, Extendacare Inc., prospective owner**, for a further modification to the established "DE-3" – 'H' (Multiple Dwellings- Holding) District, to permit the use of the subject lands for a nursing home for lands located west of Chedmac Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "DE-3" – 'H' (Multiple Dwellings – Holding) District to "DE-3" (Multiple Dwellings) District;

(ii) That Subsection 3. of Zoning By-law No. 96-152, be repealed in its entirety and replaced with the following:

"The "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C. of Zoning By-law No. 6593, applicable to the lands comprised in Block 4 are amended to the extent only of the special requirement that,

(a) notwithstanding Section 10.C.(1) of Zoning By-law No. 6593, only the following use shall be permitted:

i) a nursing home having a maximum capacity of 160 residents, in a building of not greater than 2 storeys in height.

(b) in addition to the permitted use specified in Section 3.(a)(i) of this by-law, an amenity centre of not less than 500 square metres, accessory to the residential use specified in Section 3.(a)(i) of the by-law, shall be required,

(i) for the purposes of this by-law, "Amenity Centre" shall include one or more of the following uses:

1. Administrative offices;
2. Chapel;
3. Library;
4. Activity and Exercise rooms;
5. Lounges;
6. Dining Room;
7. Variety Store;
8. Hairdresser;
9. Barber shop.

(c) for a nursing home permitted in Section 3.(a)(i) of this by-law, one ground sign shall be permitted subject to the following requirements:

(i) No sign shall exceed 1.8 metres in height.

(ii) The total aggregate area of the ground sign shall not exceed 5.8 square metres.

(iii) The ground sign shall be located not less than 2.0 m from any lot line.

(iv) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination."

(iii) That the Corporate Counsel be directed and authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council; and,

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1363a, and that the subject lands on Zoning District Map W-36 and W-37 be notated as S-1363a;

(vi) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. by the Region of Hamilton-Wentworth.

(vii) That upon finalization of the implementing Zoning By-law, the approved Mountivew Neighbourhood Plan be amended to redesignate the subject lands from "Medium Density Apartments" Residential to "Civic and Institutional".

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to permit a nursing home for lands located on the west side of Chedmac Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

- A redesignation of the subject lands from "Residential" to "Institutional" on Schedule A of the Official Plan;
- A redesignation of the subject lands from "Medium Density Residential" to "Major Institutional" on "Chedmac Secondary Plan Schedule J-1"; and,
- An amendment to the institutional policies of the Chedmac Planning Area to permit a nursing home that is not part of the Chedoke-McMaster Hospital.

The purpose of the proposed by-law is to remove the 'H' Holding symbol and provide for a further modification to the "DE-3" (Multiple Dwellings) District regulations. Under the provisions of Zoning By-law 96-152, the subject lands were placed in a holding zone due to servicing and noise concerns due to the proximity of the subject lands to the hospital laundry facilities. The applicant has provided for the necessary noise attenuation measures to mitigate noise levels from the laundry facilities. In addition, there is a public watermain and separate storm and sanitary sewers available on Chedmac Drive to service the proposed nursing home development. In this regard, the 'H' Holding Provisions have been satisfied. Therefore, it is appropriate to remove 'H' Holding Provision.

The effect of the proposed By-law is to permit the development of the subject lands for a 2 storey nursing home with a maximum capacity of 160 persons. In addition, the proposed By-law permits a ground sign provided that the ground sign is less than 1.8 m in height and

the total area of the ground sign is less than 5.8 square metres.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for an Official Plan Amendment and Zoning By-law amendment.

BACKGROUND:

Proposal

The application is for an Official Plan Amendment and further modification to the established "DE-3" District zoning to permit the development of the subject lands for a 2 storey nursing home for the accommodation of 160 residents (see APPENDIX "B").

APPLICANT:

Extandacare Inc., prospective owner.

AGENT:

B. Keyes, May, Pirie, Dakin and Associates.

LOT SIZE AND AREA:

The subject lands are rectangular in shape and have:

- a frontage of 183.26 m along Chedmac Drive;
- a depth of 131.75 m ; and,
- a lot area of 3.01 ha.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant lands	"DE-3" – 'H' (Multiple Dwellings – Holding) District
Surrounding Land Use		
to the north	Vacant lands and Arena	"AA" (Agricultural) District, modified
to the south	Vacant (planned attached housing)	"RT-20" – 'H' (Townhouse – Maisonette - Holding) District
to the east	Laundry facilities for the hospital	" AA" (Agricultural) District, modified
to the west	Vacant (planned attached housing)	"RT-20" – 'H' (Townhouse – Maisonette - Holding) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan and "MEDIUM DENSITY RESIDENTIAL II" on Schedule "J-1" (Chedmac Planning Area).

The proposed nursing home use does not conform to the Official Plan. As such, an Official Plan Amendment is required to permit a nursing home on the following basis:

- A redesignation of the subject lands from "Residential" to "Institutional" on Schedule A of the Official Plan;
- A redesignation of the subject lands from "Medium Density Residential" to "Major Institutional" on "Chedmac Secondary Plan Schedule J-1"; and,
- An amendment to the institutional policies of the Chedmac Planning Area to permit a nursing home that is not part of the Chedoke-McMaster Hospital.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" Residential in the approved Mounview Neighbourhood Plan. Approval of the application will require a neighbourhood plan amendment to redesignate the subject lands from "Medium Density Apartments" Residential to "Civic and Institutional".

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the above application and find it satisfactory."

- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.

- The Building Department have advised of the following:

  "1. Insufficient information submitted in the preliminary sketch to determine compliance with the "DE-3" District.

  2. Parking at a rate of one (1) space per three (3) patient beds is required and the parking requirements of Section 18A shall be complied with. Please note that no part of the required parking shall be located in the required front yard.

  3. The 'H' symbol shall be removed upon the requirements as set out in By-law No. 96 -152 (S-1363) being fulfilled."

  The Development Engineering Section, Community Planning and Development Division have advised of the following:

  "We advise that there is a public watermain and separate storm and sanitary sewers available on Chedmac Drive which could service the proposed development.

  Therefore, the 'H' Holding Provision can be removed from the portion of the lands designated as DE-3/S-1363-H. The 'H' Holding Provision must remain on the remainder of the lands at this time (i.e. the lands zoned RT-20/S-1363-H).

  The Transportation, Operations and Environment Division, Roads Section, have the following comments and recommendations:

  1. The designated road allowance width of Chedmac Drive is 26.21m. As noted on the approved Mountview Neighbourhood Plan, the alignment of Chedmac Drive will be shifted to the south to form a "right-angle" intersection to the west of the subject lands. In the first phase of development approval of Chedoke Hospital Lands, we recommended that sufficient lands be dedicated to the City of Hamilton to establish the realignment of this section of Chedmac Drive.

There is presently a 0.30 m reserve shown as Parts 18, 19, and Part of Part 20 on Reference Plan 62R-12060 adjacent to existing Chedmac Drive. Any outstanding Regional and City costs adjacent to Chedmac Drive must be recovered through the development of these lands.

2. The current neighbourhood plan indicates that a street is to be established opposite the access to the Arena, also along the southerly extension of Chedmac Drive and to the south of the property. We have not received any application to amend or change the road pattern of the approved Mountview Neighbourhood Plan.

   As a condition of development approval, the amending Zoning By-law must contain a requirement which states that the development of these lands are subject to the applicant/owner entering into appropriate agreements with the City and Region. These agreements, among other items, will require that the applicant/owner dedicate the required roads to the City of Hamilton and to pay all construction and servicing costs to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth.

3. The proposed street on the south side of Chedmac Drive must align centreline to centreline with the access to the Twin Pads Arena on the north side of Chedmac Drive. It appears that the plans may have to be revised to ensure that this occurs.

4. The proposed road alignment of Chedmac Drive, west of the subject lands and south of the Chedmac Drive realignment, must be to the satisfaction of the City and the Region. The horizontal curve will likely require adjustment to ensure that centreline radius is acceptable. The road alignment may alter the limits of lands to be developed if it is intended to develop the lands adjacent to the west with single family residential development. Any revisions to the approved roadway pattern should be reflected in a revised Mountview Neighbourhood Plan either coincident or prior to the approval of this application.

5. We recommend that the subject lands be developed through site plan control. We also advise that fairly detailed engineering must be prepared for the road network in the area to ensure that the property and road grades, etc. are acceptable and compatible."

- The Ministry of the Environment:

"It has been brought to my attention that the works required to enable the lifting of the holding provision as stated in sections 6(a)(ii) of By-law 96-152 have been completed.

In order to support residential development upon the property subject to the By-law, it was determined that the installation of noise abatement equipment would be required for the ventilation system associated with the laundry facilities at the Chedoke medical facility. The required noise study was completed, and the applicant (Mohawk Hospital Services) successfully made application for the required Certificate of Approval (Air) No. 8-2-2187-96 for the noise abatement equipment. Furthermore, the Certificate of Approval required that after installation, acoustic audit measurements be carried out. This work has been carried out and the Ministry's Air and Noise Unit have indicated that noise levels within the development area meet the Guideline.

Accordingly, please be advised that matters relating to noise have been satisfactorily dealt with, such that there is no objection to the lifting of the holding provisions of this By-law."

COMMENTS:

1. The proposed nursing home use does not conform to the Official Plan or the approved Mountview Neighbourhood Plan. As such, an Official Plan Amendment is required to permit a nursing home on the following basis:

   - A redesignation of the subject lands from "Residential" to "Institutional" on Schedule A of the Official Plan;
   - A redesignation of the subject lands from "Medium Density Residential" to "Major Institutional" on "Chedmac Secondary Plan Schedule J-1"; and,
   - An amendment to the institutional policies of the Chedmac Planning Area to permit a nursing home that is not part of the Chedoke-McMaster Hospital.

   The subject lands are designated "Medium Density Apartments" Residential in the approved Mounview Neighbourhood Plan. Approval of the application will require a neighbourhood plan amendment to redesignate the subject lands from "Medium Density Apartments" Residential to "Civic and Institutional".

2. The proposed Official Plan Amendment and modification in zoning to permit a nursing home can be supported in that it complies with the general intent of the Official Plan on the following basis:

   - The Official Plan encourages major institutional uses to be located in residential areas where suitable design features are included in the proposed development and there is compatibility with nearby uses;
   - The proposed development provides for sufficient off-street parking appropriately located on site, with buffer/landscape treatment to screen the development from surrounding uses;

- The proposed development will be of a scale compatible with the proposed development in the surrounding area (i.e. townhouse development and institutional uses associated with the Chedoke Hospital) in that the application is for a down zoning in height from the existing site specific official plan and zoning provisions in By-law No. 96-152 permit a 6 storey building whereas the application is for a 2 storey building;
- The proposed nursing home use is similar in use with the permitted "home for the aged" under the existing provisions of By-law No. 96-152. In this regard, it is appropriate to retain the site specific requirement that a 500 m^2 "amenity centre" be incorporated into the proposed development as proposed by the applicant; and,
- It is situated on a major arterial road.

3. In response to the comments from the Building Department, the applicant's agent has verbally advised that the proposed nursing home is to be constructed in accordance with the applicable provisions of the "DE-3" District and the parking requirements of Section 18A of Zoning By-law No. 6593.

4. Under the provisions of Zoning By-law 96-152, the subject lands were placed in a holding zone due to servicing and noise concerns. The Ministry of the Environment has advised that matters relating to noise have been satisfactorily dealt with and that they have no objection to the lifting of the holding provisions.

   With respect to servicing, the Development Engineering Section has advised that there is a public watermain and separate storm and sanitary sewers available on Chedmac Drive to service the proposed nursing home development. In this regard, the 'H' Holding Provision that municipal services be available to service the subject lands has been satisfied. Therefore, it is appropriate to remove 'H' Holding Provision.

5. The applicant has requested a modification in zoning to permit a ground sign for the subject lands. The proposed ground sign would be consistent with the signage regulations for an institutional use (i.e. public hospital). As such, a variance to the "DE-3" provisions can be supported to permit a ground sign, with a maximum height of 1.8 metres and a total aggregate area of 5.8 square metres. In addition, the by-law should require that the sign be indirectly illuminated in accordance with the signage regulations for public institutional uses.

6. The Transportation, Operations and Environment Division, Roads Section advised that as a condition of development approval, the amending Zoning By-law should incorporate a requirement for the applicant/owner entering into the appropriate agreements with the City and Region for the construction of the local "u-shaped" road along the easterly, westerly and southerly limits of the subject lands.

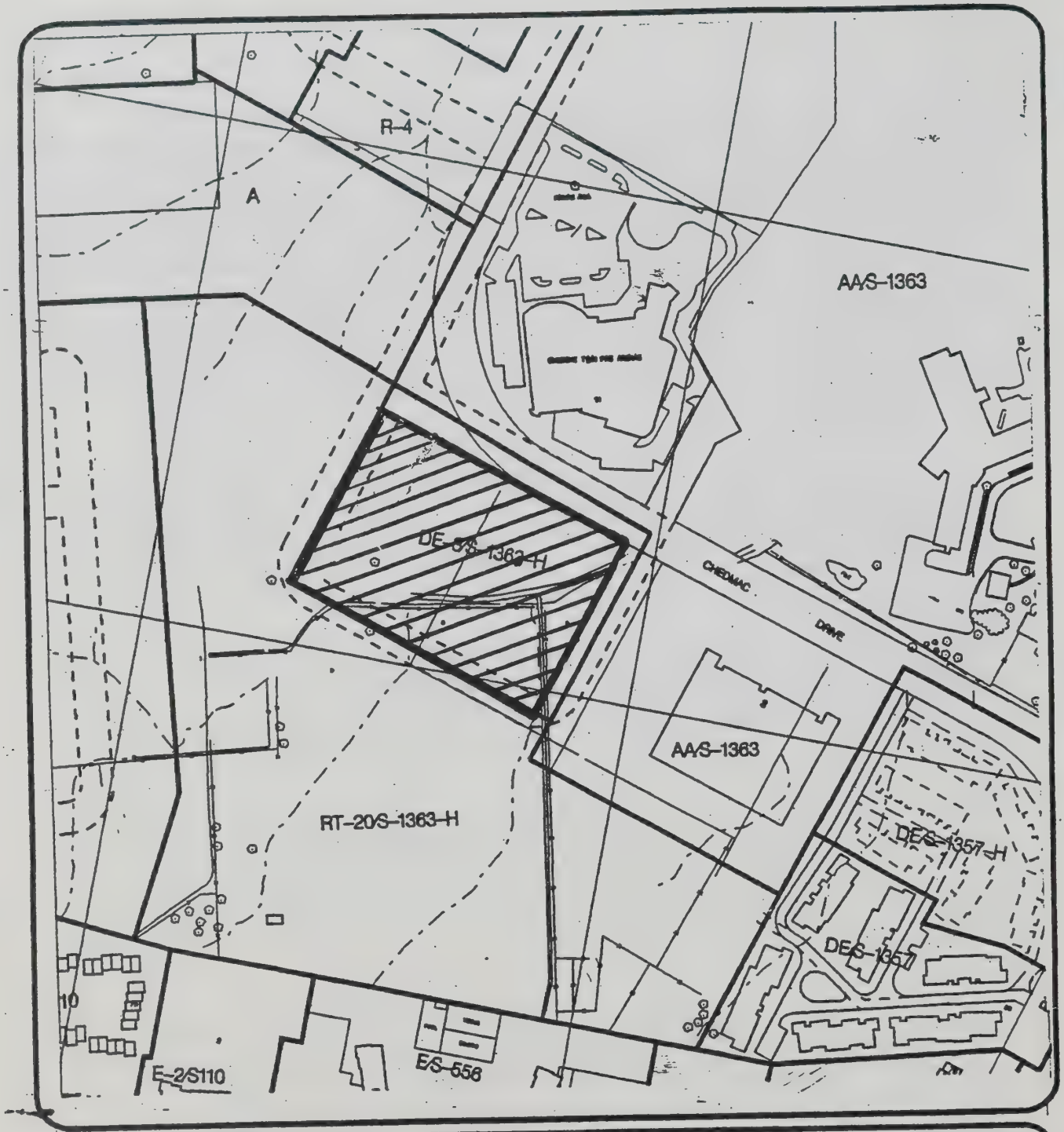
Development Planning and Development Engineering staff have met with the applicant regarding the construction of the local "u-shaped" road. Based on these discussions, it was agreed that prior to finalizaiton of the site plan, the applicant will apply for consent to subdivide the subject lands into 2 parcels of land (1 parcel for the proposed nursing home and retain a second larger parcel of land for future development in accordance with the approved Mountview Neighbourhood Plan). As a condition of severance, the applicant will be required to enter into the appropriate agreements with the City and Region for the construction of the local "u-shaped" road to the satisfaction of the Director, Land Development, Community Planning and Development Division.

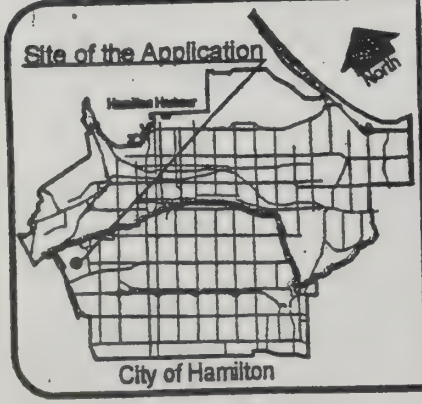
7. The "DE-3" District is subject to Site Plan Control. Accordingly, matters such as grading, drainage, landscaping, fencing, building design, orientation and driveway access, etc. will be further reviewed at the site plan control stage of development.

CONCLUSION:

Based on the foregoing, the application can be supported.

ZA-99-19.doc
SR/sr





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

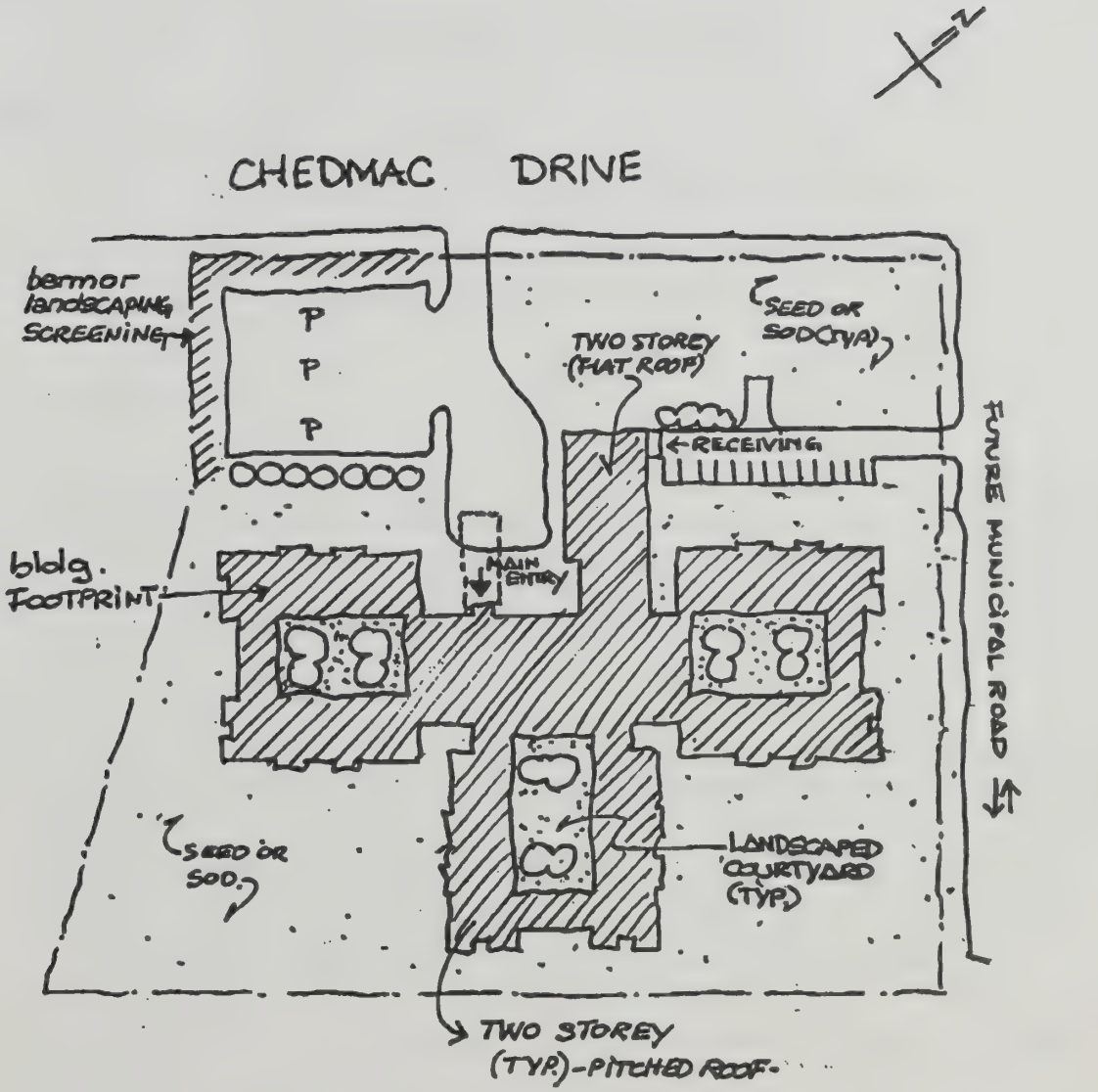
Legend

Subject Lands

Application for an Official Plan Amendment to redesignate the subject lands from "Residential" to "Institutional" and for a further modification to the established "DE-3" – 'H' (Multiple Dwellings- Holding) District.

Reference file:	ZAC-99-19
Scale	Not to Scale
Date	June, 1999
Technician:	B. B.

APPENDIX 'A'



PRELIMINARY SITE PLAN
EXTENDICARE CANADA/HAMILTON
MAY 06 - 1999. -MSD-

APPENDIX "B"

PRELIMINARY CONCEPT PLAN

CITY OF HAMILTON

8.

- RECOMMENDATION -

DATE: 1999 July 23
ZAC-99-23
Strathcona Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Request for an Official Plan Amendment and change in zoning – 39 - 41 Devonport Street (PDC99040)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a parking lot in a Residential designation, on lands known municipally as 39-41 Devonport Street, as shown on the attached map marked as APPENDIX "A", and that the Corporate Counsel be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given **Zoning Application ZAC-99-23, by Hamilton-Burlington & District Real Estate Board, owner**, for a change in zoning from "L-mr-2" (Planned Development – Multiple Residential) District, modified (Block "1") and "L-mr-2" (Planned Development – Multiple Residential) District (Block "2") to "G-3" (Public Parking Lots) District, to permit the expansion of an existing parking lot, for lands located at 39-41 Devonport Street, as shown on the attached map marked as APPENDIX "A" on the following basis:

(i) That Section 17B(6)(a)(iii) of Zoning By-law No. 6593 shall not apply;

(ii) That Block "1" be rezoned from "L-mr-2" (Planned Development – Multiple Residential) District, modified to "G-3" (Public Parking Lots) District;

(iii) That Block "2" be rezoned from "L-mr-2" (Planned Development – Multiple Residential) District to "G-3" (Public Parking Lots) District;

(iv) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to Block "1" be modified to include the following variances as special requirements:

(1) That Section 13C(4)(ii) shall not apply to the southerly lot line;

(2) That notwithstanding Section 18A(1)(f) and TABLE 6, manoeuvring space with an aisle width of not less than 5.0 m shall be provided and maintained; and,

(3) That notwithstanding Section 18A (7), a parking space width of not less than 2.6 m shall be provided and maintained;

(v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S-717d, and that the subject lands on Zoning District Map W-11 be notated as S-717d;

(vi) That the Corporate Counsel be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council;

(vii) That the proposed change and modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. by the Region of Hamilton-Wentworth; and,

(viii) That upon finalization of the Zoning By-law, the approved Strathcona Neighbourhoood Plan be modified to add the note "Commercial uses shall be restricted to a public parking area".

EXPLANATORY NOTE:

An Official Plan Amendment is required to establish a Special Policy Area to permit a parking lot in a Residential designation, for lands located at 39-41 Devonport Street.

The purpose of the proposed by-law is to provide for a change in zoning from "L-mr-2" (Planned Development – Multiple Residential) District, modified (Block "1") and "L-mr-2" (Planned Development – Multiple Residential) District (Block "2") to "G-3" (Public Parking Lots) District for lands located at 39-41 Devonport Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the expansion of the existing parking lot on the subject lands.

In addition, the By-law provides for the following variances as special requirements:

- Not require the 1.5 m landscape planting strip along the southerly lot line;
- Permit a minimum parking space width of 2.6 m (Block "1"), whereas a minimum of 2.7 m is required; and,
- Permit a minimum aisle width for manoeuvring space of 5.0 m (Block "1"), whereas a minimum of 6.0 m is required.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for an Official Plan Amendment and Zoning By-law amendment.

BACKGROUND:

Proposal

The applicant is proposing to expand their existing parking lot at 39-41 Devonport Street (Block "1") by purchasing adjacent City-owned lands to the north and west (Block "2") and expand their existing parking spaces from 19 to 28 spaces (See APPENDIX "B" attached).

The applicant has also submitted a Site Plan Control application DA-99-37 for the subject lands which, based on initial comments from the Public Works and Traffic Department's, reduced the number of proposed parking spaces to 27 from 28 originally proposed. This application is currently under circulation.

By-law No. 80-278

City Council, on July 29, 1980, passed By-law No. 80-278, to modify the "L-mr-2" (Planned Development – Multiple Dwellings) District provisions applicable to Block "1", to permit a temporary parking lot for not more than two years.

By-law No. 82-225

City Council, on October 12, 1982, passed By-law No. 82-225, to modify the "L-mr-2" (Planned Development – Multiple Dwellings) District applicable to Block "1", to permit temporary parking as accessory to the use of land at 505 York Blvd., for a period not exceeding two years.

By-law No. 90-272

City Council, on September 25, 1990, passed By-law No. 90-272, to modify the "L-mr-2" (Planned Development – Multiple Dwellings) District applicable to Block "1", to permit temporary parking as an accessory use of 505 York Blvd., for a period of not more than three years.

By-law No. 96-112

City Council, on June 25, 1996, passed By-law No. 96-112, to modify the "L-mr-2" (Planned Development – Multiple Dwellings) District in the same manner as By-law No. 90-272.

APPLICANT:

Hamilton-Burlington & District Real Estate Board, owner.

LOT SIZE AND AREA:

The subject lands (Blocks "1" and "2") have:

- A frontage of 19.9 m on Devonport Street;
- A depth of 38.06 m; and,
- A lot area of approximately 1828 m^2.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Parking lot (Block "1")	"L-mr-2" (Planned Development – Multiple Dwellings) District, modified
	Vacant (Block "2")	"L-mr-2" (Planned Development – Multiple Dwellings) District
Surrounding Lands		
To the north	Dundurn Castle	"A" (Conservation, Open Space, Park and Recreation) District, modified
To the east	Offices	"H" (Community Shopping and Commercial) District, modified
To the south	Single family dwellings	"D" (Urban Residential – One and Two Family Dwellings, etc.) District
To the west	Single family dwellings	"L-mr-2" Planned Development – Multiple Dwellings) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others, apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.2.39 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands."

Based on the foregoing, the proposal conflicts with intent of the Official Plan. Approval of the application will require an Official Plan amendment to establish a new Special Policy Area to permit a parking lot in a Residential designation.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the approved Strathcona Neighbourhood Plan. Approval of this application will require a modification to the approved Neighbourhood Plan to add a note as follows: "Commercial uses shall be restricted to a public parking area".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.

- The Public Works and Traffic Department advises:

  "We have no objection to the proposed change in zoning to permit the expansion of the existing parking lot. With reference to the revised plan, we provide the following comments.

  We recommend that the raised curbing at the westerly end of the existing parking be reduced to 5.5 m in length, as shown on the attached plan, to improve vehicle manoeuvring.

  We recommend that the northerly parking space be deleted since adequate manoeuvring space is not available for vehicles to back out of the space. As a result, sufficient space is available to modify the remaining spaces adjacent to the west property line to provide the minimum width of 2.7m. The attached plan shows the required modifications."

- The Community Planning and Development Division (Development Engineering) advises:

  "There are public watermains and combined storm and sanitary sewers available to service the subject lands.

  The existing and designated road allowance width of York Boulevard is 36.58m. Therefore we do not anticipate any further road allowance widenings at this time.

  There are a number of items relating to the proposed landscaping, existing encroachments within the Devonport Street road allowance, etc. which will be addressed through Site Plan Control Application DA-99-37.

  Any works within the adjacent road allowances must conform to the respective Streets By-law.

  We have reviewed this application on the basis that the surplus lands owned by the City of Hamilton will be sold to and merged on title with adjacent lands to the south for an expansion to the existing parking area."

- The Community Planning and Development Division (Building) advises:

  "1. The L-mr-2 District only permits a change to an E, E-1 and E-2. Therefore, the L-mr-2 District shall be changes to an L-c District and then to a G-3 District.

  2. The proposed parking lot is further than 60.0m from the nearest boundary of a commercial or industrial district which does not conform to Section 13C.(2)."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. Approval of the application will necessitate an amendment to the Official Plan to establish a new Special Policy Area to permit a parking lot in a Residential designation.

2. The proposal will require a modification to the approved Strathcona Neighbourhood Plan to add a note that "Commercial uses will be restricted to a public parking lot."

3. The application has merit and can be supported on the following basis:

   - The existing parking lot (Block "1") has been in operation since approximately 1980 with no apparent negative impact on the adjacent residential uses;
   - The increase in parking spaces from 19 to 27 is considered minor; and,
   - The applicant has agreed to maintain the intent of the York Blvd. Design Guidelines and has submitted a Site Plan Control application which largely reflects this commitment.

4. The Public Works and Traffic Department's comments regarding the northerly parking space have since been addressed by deleting this parking space in the Site Plan Control application DA-99-37 presently under consideration.

5. The Building Department has advised verbally that an alternative to rezoning the lands first to "L-c" (Planned Development- Commercial) District and then to "G-3" (Public Parking Lots) District, would be to delete that requirement in the by-law as it applies to these lands.

6. The Building Department has advised verbally that the requirement for the 60 m separation distance is not applicable.

6. Approval of this application will require the following variances:

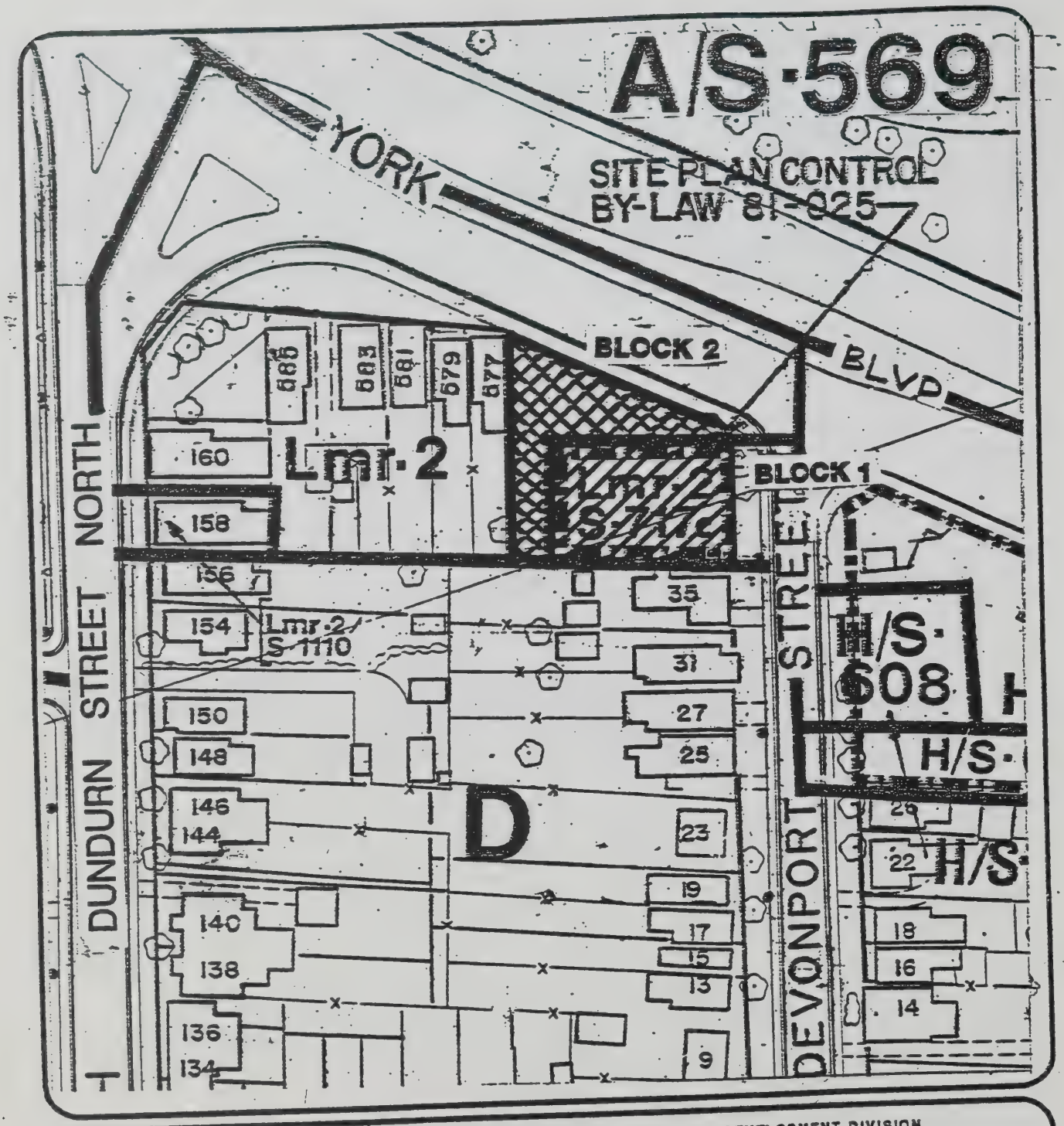
- The 1.5 m landscape strip not be provided along the southerly lot line;
- The width of the parking spaces in Block "1" be reduced from 2.7 m to 2.6 m; and,
- The width of the aisle for adequate manoeuvring space in Block "1" be reduced from 6.0 m to 5.0 m.

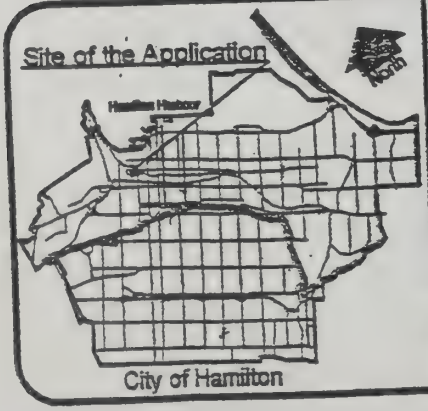
These variances are applicable only to Block "1" which is the original parking lot. Since this is an existing situation, the variances will have no adverse impact on the operation of the parking area or the adjacent residential uses.

CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/clf
ZAC-99-23





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend

Change in Zoning from:

BLK 1 — "L-mr-2" (Planned Development - Multiple Residential) District Modified to "G-3" (Public Parking Lots) District

BLK 2 — "L-mr-2" (Planned Development - Multiple Residential) District to "G-3" (Public Parking Lots) District

Reference file:	ZAC-89-23
Scale	Not to Scale
Date	June, 1989
Technician:	B. B.
	APPENDIX "A"

APPENDIX "B"

PRELIMINARY CONCEPT PLAN

9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 July 23
(P5-2-62)

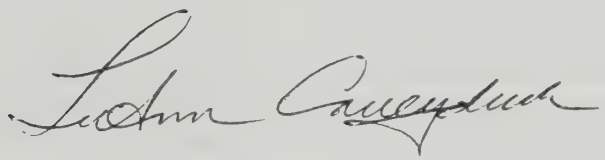
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: East Mountain Industrial Business Park Neighbourhood Plan (PDC99041)

RECOMMENDATION:

a) That the approved East Mountain Industrial Business Park Neighbourhood Plan be amended by deleting the east-west cul-de-sac on the east side of Pritchard Road, north of Rymal Road East.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

None.

BACKGROUND:

1. Neighbourhood Plan

Council adopted the East Mountain Industrial Business Park Neighbourhood Plan in 1974. The area in question is located north of Rymal Road East, on the east side of Pritchard Road, between Pritchard Road and Trinity Church Road. The neighbourhood plan designates the area for industrial development. Road access would be via Pritchard Road, the future construction of Trinity Church Road, and an east-west cul-de-sac running from Pritchard Road eastward and located primarily on the lands of No. 649 Pritchard Road. It is the cul-de-sac that is the subject of this report. The approved neighbourhood plan is attached as APPENDIX "A".

2. Land Ownership

The cul-de-sac consists of the throat of the road and the bulb. The throat of the road, to the Hydro Corridor, is on the lands of No. 649 Pritchard Road (owned by Reiner Hill). The throat continues through the Hydro Corridor and becomes the bulb of the cul-de-sac. The bulb of the cul-de-sac is on the lands of No. 655 Pritchard Road (rear portion; owned by Kasey Faber) and the lands of Ontario Realty Corporation.

3. Description of the Issue

The owner of No. 649 Pritchard Road, Reiner Hill, has filed an application for site plan control for this property (DA-99-01). Council recently approved OPA No. 161 subject to the approval of the Site Plan Control application, including an amendment to the Neighbourhood Plan to delete the proposed cul-de-sac. OPA 161 establishes a new Special Policy Area to permit industrial use within 90 metres of residential uses in the East Mountain Industrial Business Park. The proposed development is an industrial building. In reviewing the site plan, the question arose as to the necessity of the east-west cul-de-sac off of Pritchard Road. Mr. Hill requested staff to review the possible deletion of the cul-de-sac from the neighbourhood plan. A preliminary review of the issues related to the cul-de-sac was completed. The review provided the following information:

- The throat of the cul-de-sac, to the Hydro Corridor, is entirely on Mr. Hill's property. Mr. Hill does not require the cul-de-sac for the development of his property.

- The cul-de-sac, as shown on the neighbourhood plan, includes land of Ontario Hydro. The land of Ontario Hydro also has a hydro tower that would have to be moved, at the City's expense, should the road be built in its current location on the neighbourhood plan. This particular hydro tower is a reinforced structure as it is at the bend of corridor. Recent experience with moving hydro towers, for ones that are not reinforced, indicates the cost is in the order of $800,000. A reinforced tower would be more expensive to move.

- The landowner to the south is Kasey Faber (No. 655 Pritchard Road). Mr. Faber owns property that is split into two pieces – a front portion fronting on Pritchard Road and a rear triangular shaped piece that is separated from the front portion by the Hydro Corridor. Mr. Faber's property has a deeded access (ten feet in width) across the Hydro Corridor to allow access from the front portion of his property to the rear portion of his property. A portion of the bulb of the cul-de-sac is on the rear portion of Mr. Faber's property. Mr. Faber's property is used for residential purposes.

- Ontario Realty Corporation (ORC) owns the balance of the land. The land is currently land-locked but would have access to the extension of Trinity Church Road. A portion of the cul-de-sac is on the lands of ORC.

- The cul-de-sac was originally placed in its current location to allow access to the lands of Ontario Realty Corporation.

- The City would be responsible for paying the cost of the road on the lands of Ontario Hydro.

The above information was used to formulate different options for the development of this area, relative to the cul-de-sac. These options can be found in the next section.

OPTIONS:

This review evaluated three basic options for the cul-de-sac running easterly from Pritchard Road as shown on the approved plan for the East Mountain Industrial-Business Park:

- A revised cul-de-sac;
- A road connection east from Pritchard Road and north to the proposed extension of Portland Road; or,
- Deletion of the cul-de-sac (see APPENDICES "B", "C", "D", "E", and "F" attached).

The following is a description of each option including the positive and negative features of each.

Option 1

This option proposes two alternatives for a cul-de-sac easterly from Pritchard Road across the Hydro right-of-way. As noted previously, the alignment of the cul-de-sac as shown in the approved Neighbourhood Plan would require the relocation of the Hydro tower at great expense to the City. Since it is unlikely that the City would pay for the relocation of the tower, two options were developed with one showing the cul-de-sac north of the Hydro tower and one to the south of the tower.

Option 1(a) – APPENDIX "B"

This option runs easterly from Pritchard Road, goes to the north of the Hydro tower and terminates on lands owned by the Ontario Reality Corporation (ORC).

Positive Features:

- most closely reflects the alignment in the approved Neighbourhood Plan.
- provides access to 649 and 655 Pritchard Road and ORC lands.

Negative Features:

- does not provide access to the rear lands of 655 Pritchard Road, east of the Hydro right-of-way.

Option 1(b) – APPENDIX "C"

This option runs easterly from Pritchard Road, south of the Hydro tower and terminates on lands owned by ORC.

Positive Features:

- maintains the intent of the approved Neighbourhood Plan.
- provides access to 649 Pritchard Road, 655 Pritchard Road and the rear lands of 655 Pritchard Road, east of the Hydro right-of-way and ORC lands.

Negative Features:

- Requires construction of a road that two of the three landowners do not need.
- The City would be required to pay for the cost of the road on the lands of Ontario Hydro.
- This option will require further road dedication of the rear lands of No. 655 Pritchard Road.

Option 2

This option extends the cul-de-sac to complete a road turning northerly and connecting with the future extension of Portland Road. Three alternatives were developed with one going to the north of the Hydro tower and two to the south of the Hydro tower.

Option 2(a) – APPENDIX "D"

This option extends easterly from Pritchard Road, across the Hydro corridor north of the tower, and turns north to intersect with the future extension of Portland Road. A cul-de-sac extends to the south, east of the Hydro corridor.

Positive Features:

- provides additional access to the interior of the ORC lands and lands east of the Hydro corridor owned by 655 Pritchard Road

Negative Features:

- creates lots of 40 m to 50 m in depth on Ontario Reality Corporation lands that may limit their long-term use for industrial and industrial commercial uses.

Option 2(b) – APPENDIX "E"

This option extends easterly from Pritchard Road, across the Hydro corridor south of the tower, and turns north to intersect with the future extension of Portland Road.

Positive Features:

- same as 2(a)

Negative Features:

- same as 2 (a)

Option 2(c) – APPENDIX "F"

This option extends easterly from Pritchard Road, across the Hydro corridor south of the tower and turns north to intersect with the future extension of Portland Road. In addition, this option proposes a cul-de-sac running southerly on to lands fronting onto Trinity Church and Rymal Road East.

Positive Features:

- same as 2(a) and 2(b)
- provides access to lands fronting onto Trinity Church Road and Rymal Road East

Negative Features:

- same as 2(a) and 2(b)

Option 3

This option would delete the cul-de-sac entirely from the neighbourhood plan.

Positive Features:

- The area of the road would be incorporated into the development of No. 649 Pritchard Road, benefiting that landowner.
- The costs of the road, through the Hydro Corridor, would not have to be paid by the City.
- There would be no cost to moving the Hydro tower.
- Access is maintained to all properties.

Negative Features:

- Eliminates direct road frontage to the rear lands of No. 655 Pritchard Road.

COMMENTS:

1. The Traffic and Roads Departments of the Transportation, Operation, and Environment Division reviewed all options. Both Departments favour Option 3 – deletion of the cul-de-sac.

2. All options were also reviewed with the three affected landowners: Reiner Hill (No. 649 Pritchard Road); Kasey Faber (No. 655 Pritchard Road); and Peter Scott (Ontario Realty Corporation). Mr. Hill and Mr. Scott favour Option 3 – deletion of the cul-de-sac. Mr. Faber is opposed to the deletion of the cul-de-sac.

3. Staff has reviewed all of the information relative to the neighbourhood plan and the cul-de-sac, as well as the three options for the cul-de-sac. Option 3, deletion of the cul-de-sac, is the recommended option, for the following reasons:

   i. The cul-de-sac cannot be retained in its current location because the City would bear the cost of moving the Hydro tower (minimum cost of $800,000).

   ii. All three affected landowners have direct road access from existing roads (Pritchard Road for Nos. 649 and 655 Pritchard Road) or the future extension of Trinity Church Road (lands of Ontario Realty Corporation).

   iii. With regard to No. 655 Pritchard Road and the rear lands, there is a deeded access across the Hydro corridor for the rear lands. These lands could develop with the front portion of the land and have road access internally to Pritchard Road or undertake a jointly developed plan of subdivision with the lands of Ontario Realty Corporation.

   iv. Deleting the cul-de-sac does not prejudice the development opportunities for all landowners.

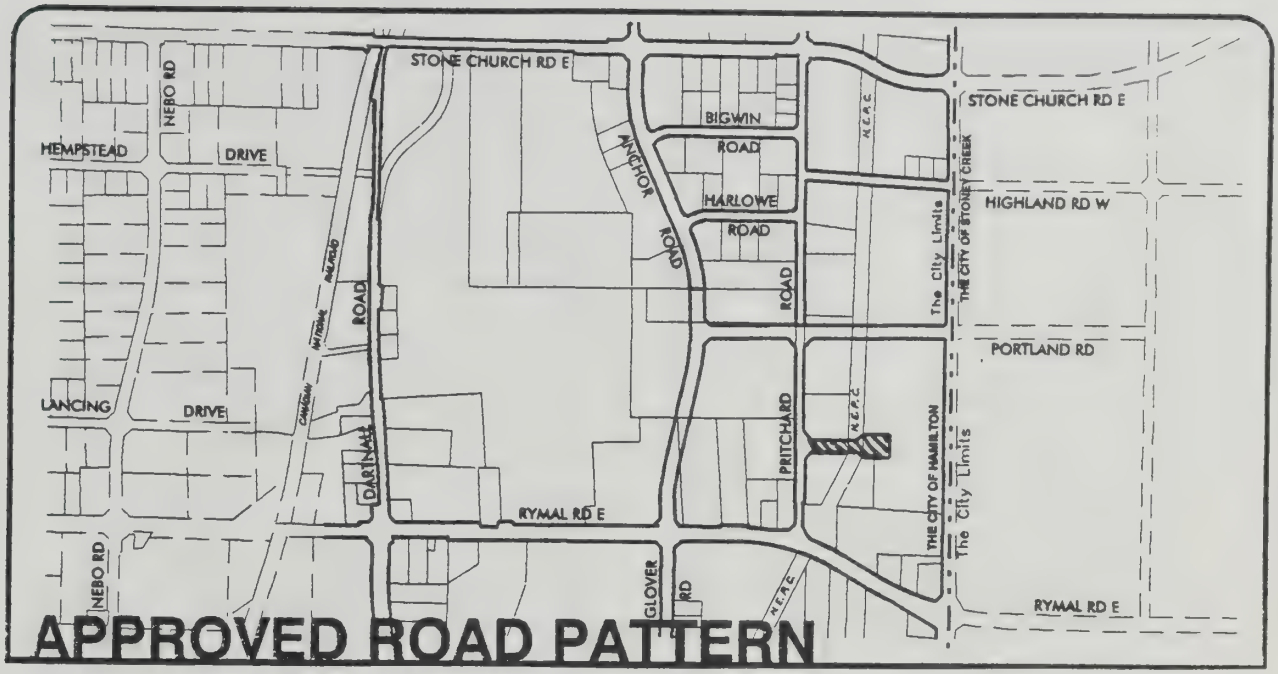
   v. Deletion of the cul-de-sac is the most cost-efficient manner of developing the lands. No landowner would be bearing responsibility for constructing a roadway that is not required for development of the lands. This includes the City's costs, which would be paid for construction of the road across the Hydro corridor.

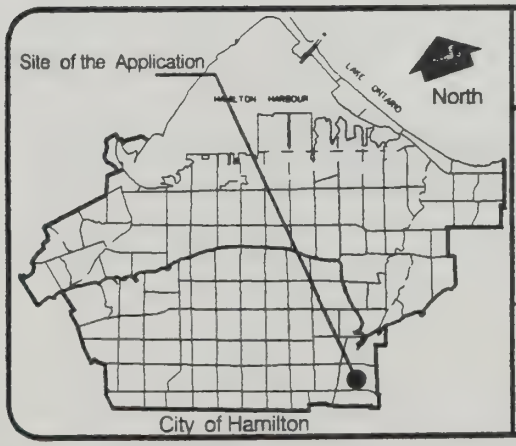
4. Should the Committee not favour Option 3, the cul-de-sac must be relocated because of the costs of moving the Hydro corridor. Option 1(b), a cul-de-sac south of the Hydro Corridor, is the next preferred option as it would give direct road access to the rear portion of the Faber's land.

CONCLUSION:

On the basis of the foregoing, it is recommended that the approved East Mountain Industrial Business Park Plan be amended by deleting the cul-de-sac on the east side of Pritchard Road, north of Rymal Road East.

CF/MLT





Community Planning and Development Division

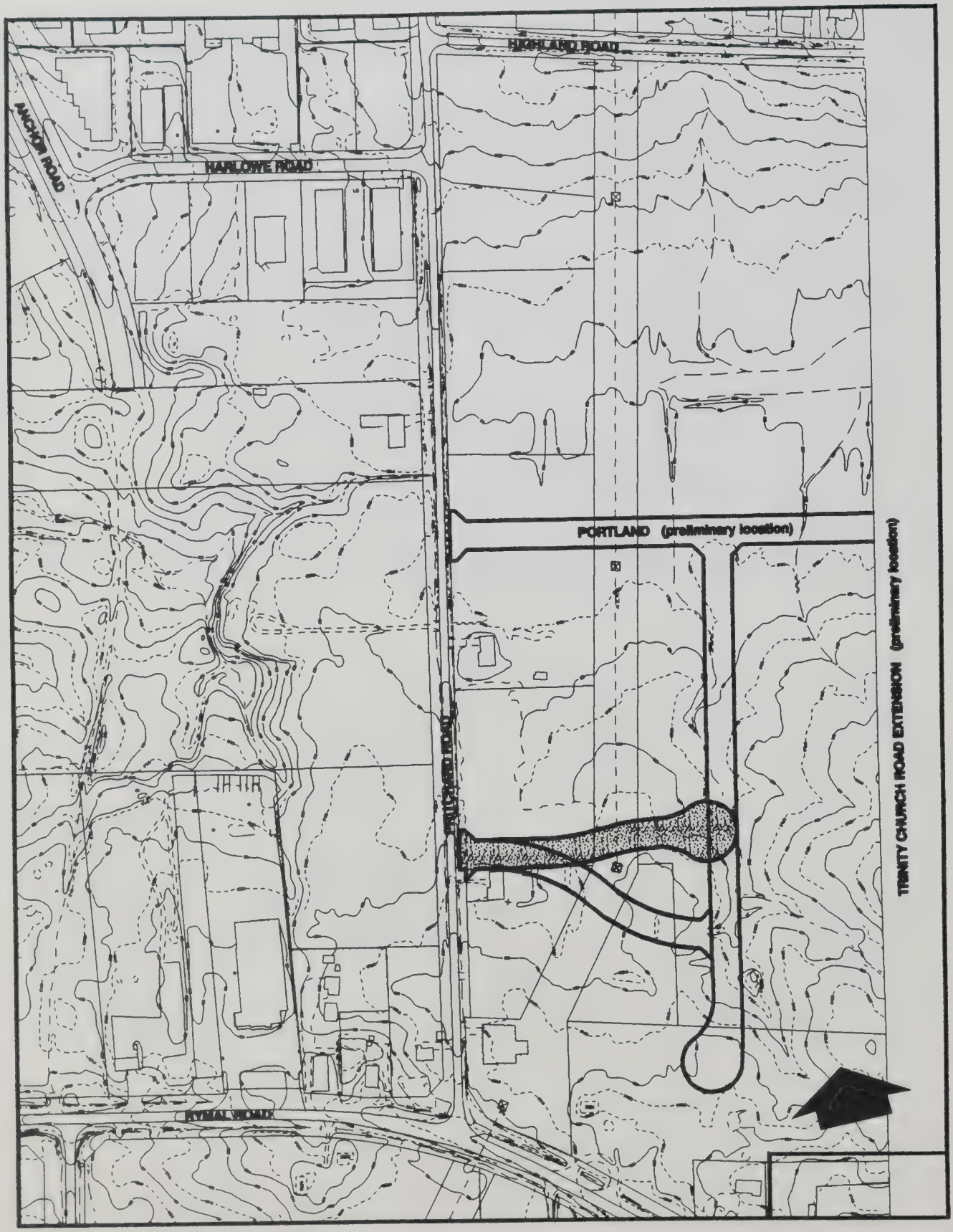
Location Map

Amendment to the Road Pattern in the East Mountain Industrial-Business Park

Legend

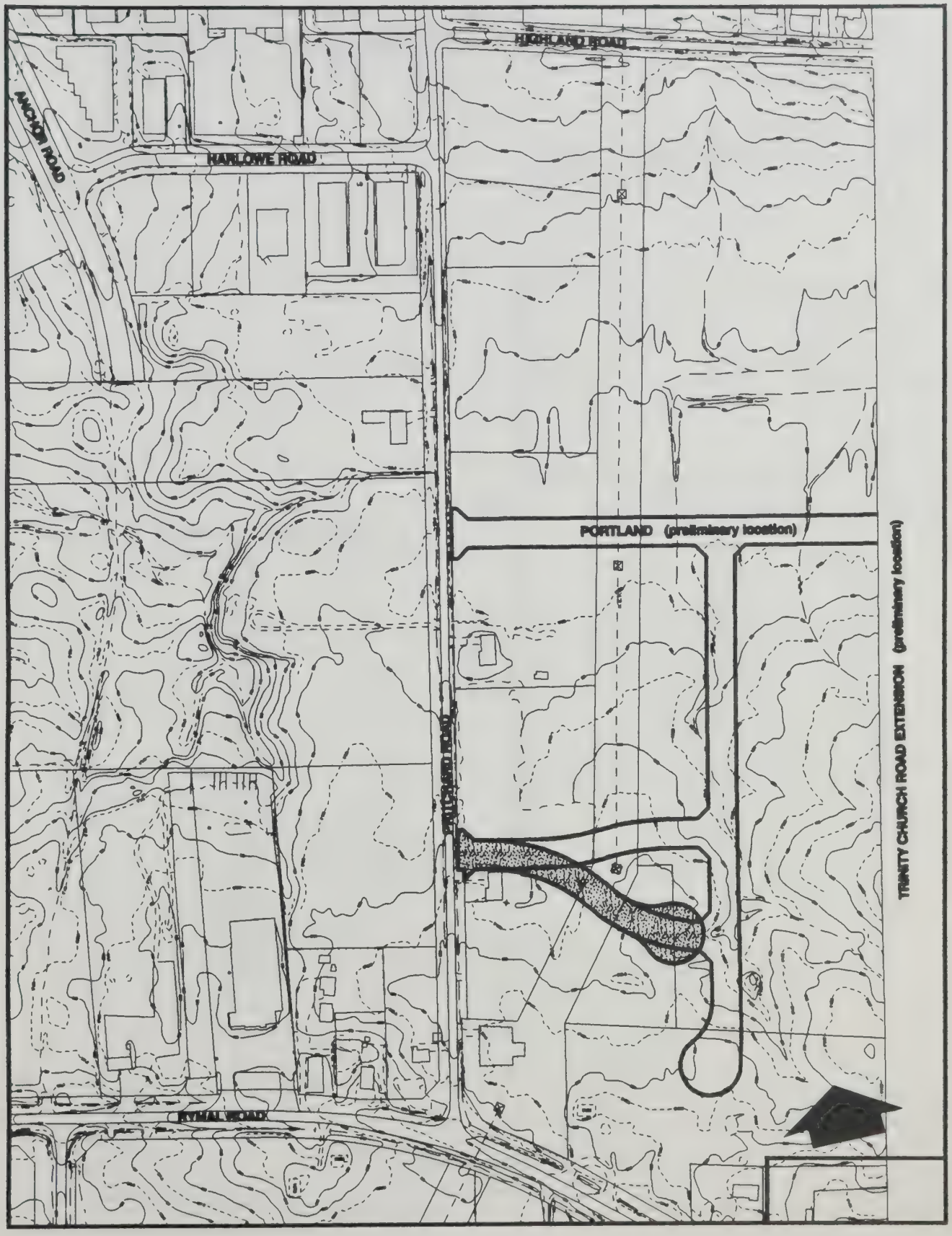
Proposed Road to be deleted

Reference File No.	**P 5-2-62**
Scale	**NOT TO SCALE**
Date	**June, 1999**
Drawn By	**B. B.**
	APPENDIX "A"



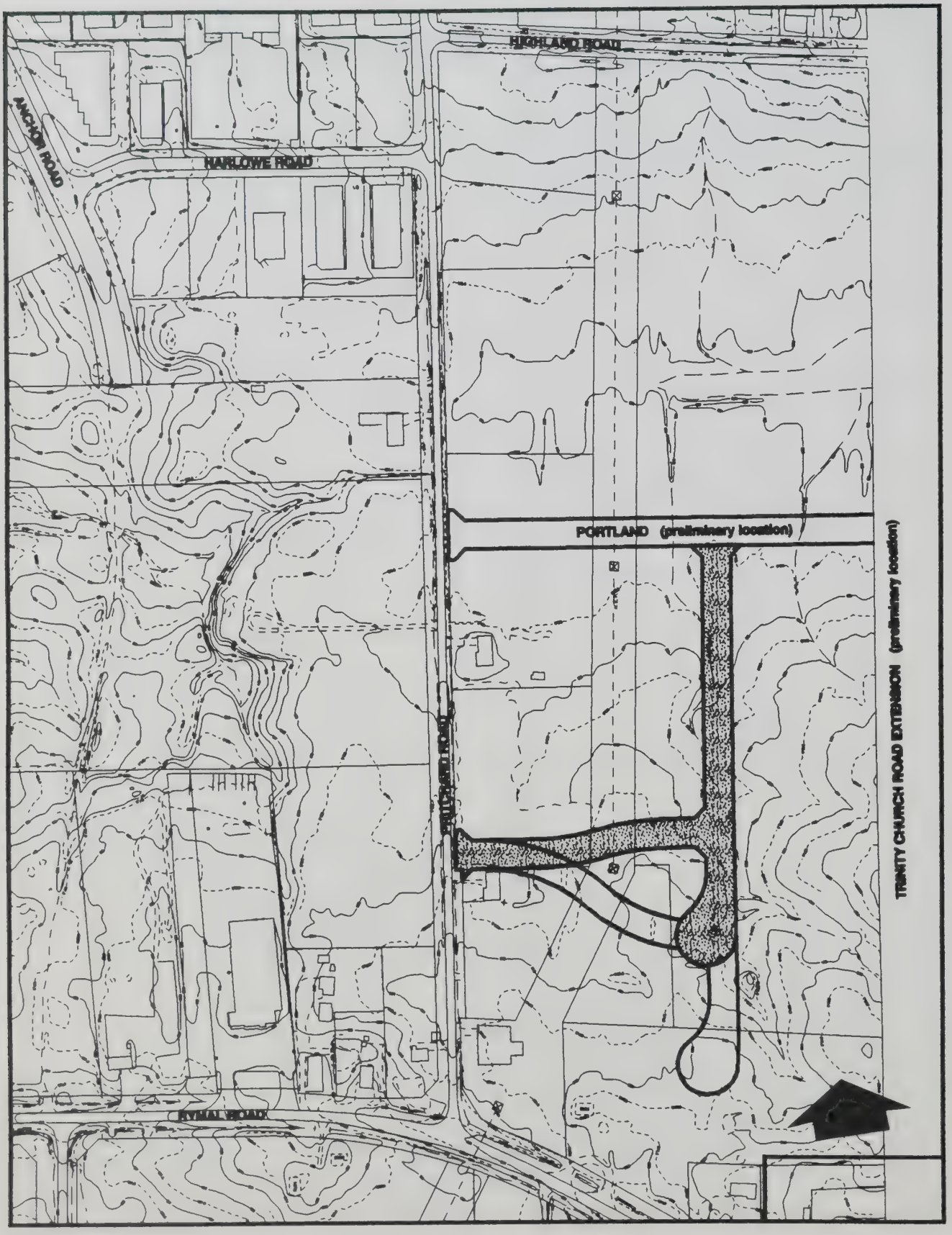
OPTION (1a)

APPENDIX "B"



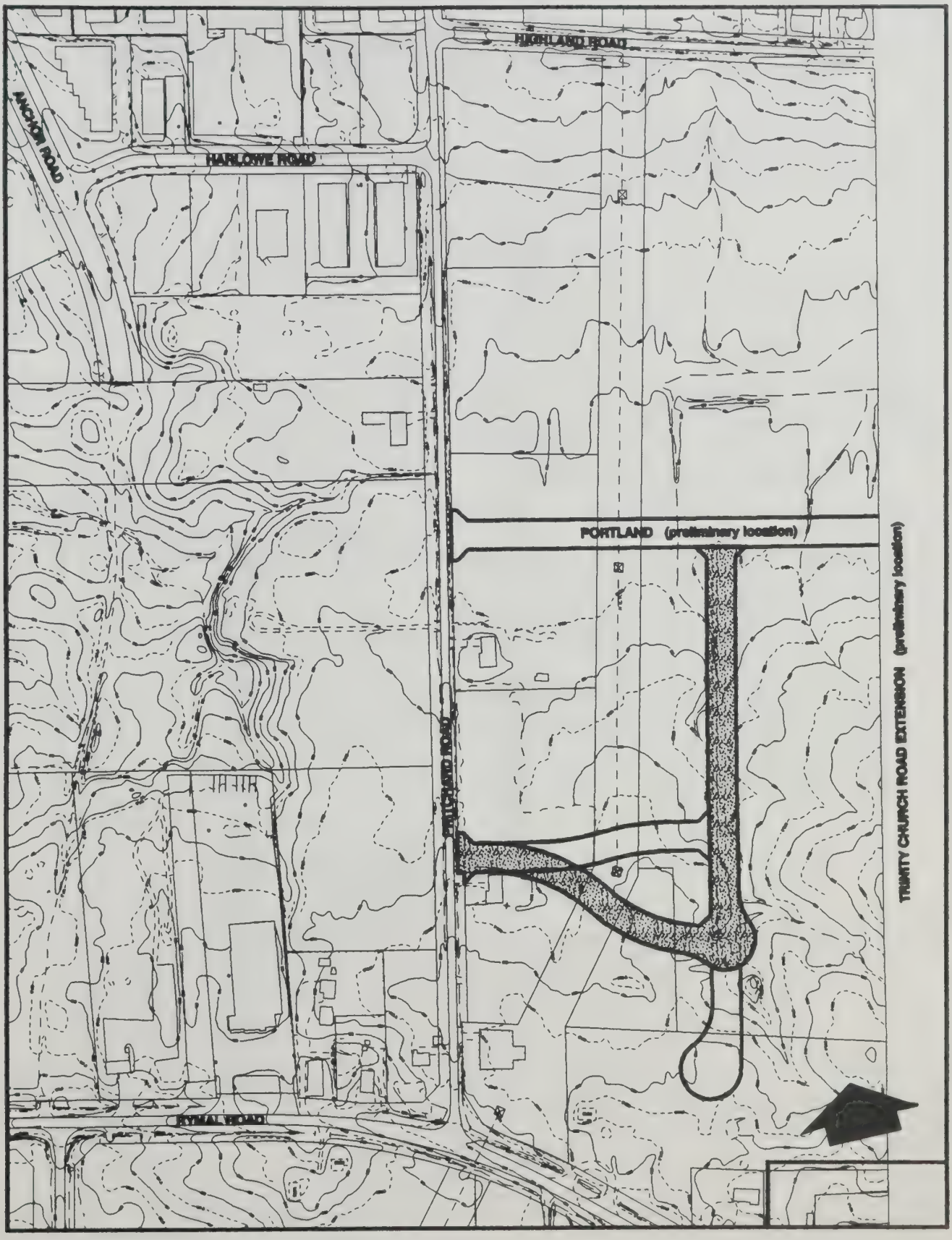
OPTION (1b)

APPENDIX "C"



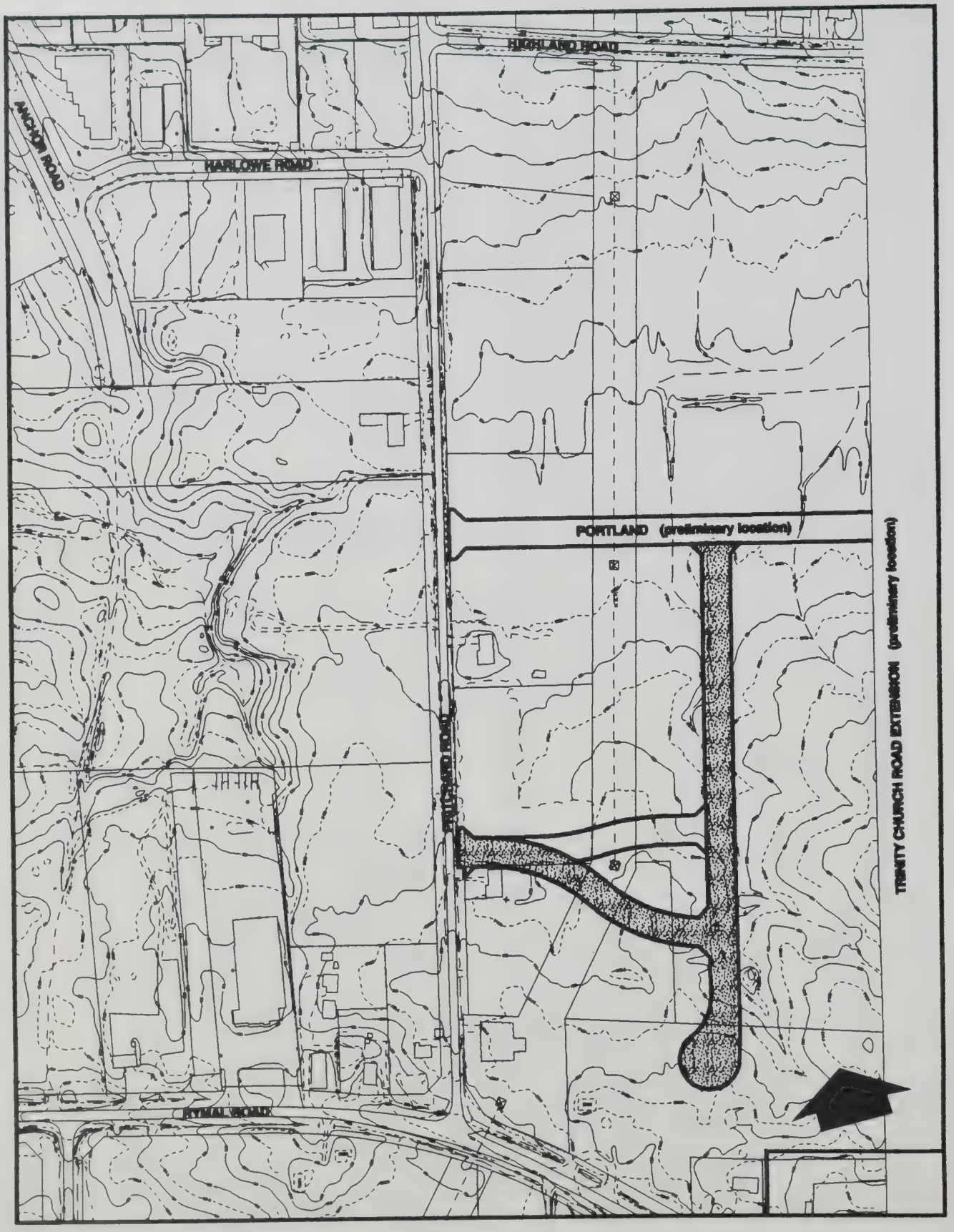
OPTION (2a)

APPENDIX "D"



OPTION (2b)

APPENDIX "E"



OPTION (2c)

APPENDIX "F"

10.

CITY OF HAMILTON

- RECOMMENDATION –

DATE: 1999 July 16
Author: H.Milsome

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo
Commissioner of Public Works & Traffic Department

SUBJECT: Amendment to the Downtown Hamilton Community Improvement Plan to authorize a "Tax Incentive Program for Designated Heritage Buildings within the Downtown Core". (PWT99031)

RECOMMENDATION:

(a) That the draft by-law attached to this Report as Appendix "A" be passed and enacted by Council to amend the Downtown Hamilton Community Improvement Plan to authorize the "Tax Incentive Program for Designated Commercial/Industrial Buildings in Hamilton's Downtown"; and,

(b) That the said amendment to the Downtown Hamilton Community Improvement Plan be submitted to the Minister of Municipal Affairs and Housing for approval.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

City Council at its meeting held 1999 April 13 authorized preparation of an amendment to the Downtown Hamilton Community Improvement Plan to authorize the "Tax Incentive Program for Designated Commercial/Industrial Buildings in Hamilton's Downtown".

At its subsequent April 27th, 1999 meeting Council also authorized that the amendment provide for a maximum of ten years of grants in place of the original five year period adopted by Council.

Preparation of the proposed amendment was withheld pending Council's consideration and approval of the appropriate level of funding for this proposed Program, including consideration of a grant application received in respect of the Lister Block building.

At its meeting held July 06th, 1999 the Committee of the Whole approved the following:

"a) That the necessary funds required for the Tax Incentive Program be provided for in the Planning and Development Division's Operating Budget.
b) That the appropriate funding be added to the Operating Budget in the year that the assessment increase is effective.
c) That all approved applications contain a maximum annual upset limit, and that the sum of these not exceed $250,000".

In accordance with the Planning Act, Section 28, the City of Hamilton may designate a Community Improvement Project Area and adopt a corresponding Community Improvement Plan in order to offer loans and grants to property owners to rehabilitate their lands and premises in conformity with the Community Improvement Plan.

The attached draft by-law is in a form satisfactory to Corporate Counsel.

BACKGROUND:

The Tax Incentive Program would provide a ten-year rebate (grant) on the City and Regional portion of taxes resulting from an increase of property assessment due to renovations undertaken on historically designated buildings within the Downtown Hamilton C.I.P.A. The boundaries of the area are: Queen Street, Cannon Street, Victoria Avenue and Hunter Street as illustrated in Appendix "B". Each application for a Grant under the Program is subject to the above noted conditions of the Program; to Council approval and to such other conditions as Council may also require as a condition of its approval.

In 1997 the Downtown Hamilton Community Improvement Plan, adopted by By-law 97-140 was approved by the Minister of Municipal Affairs and Housing. This Plan must now be amended in accordance with the Planning Act, (section 28) in order to authorize the proposed Tax Incentive Program for Designated Heritage Buildings in the Downtown Core.

The Planning Act, Section 28, requires a process for approval of the C.I.P. that includes a public meeting of the Planning and Development Committee and approval of the C.I.P. by the Minister of Municipal Affairs and Housing. It also requires that amendments to a C.I.P. are also to follow the process described above.

/hm

c.c. A. Leitch, General Manager, Transportation, Operations & Environment
R. Roszell, Corporate Counsel, Attn: D. Powers
L. Coveyduck, Community Planning and Development, Attn: N. Chapple
A. Ross, Finance Department

APPENDIX 'B'



DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA

APPENDIX 'A'

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 99-

To Amend:

By-law No. 97-140

Respecting:

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

WHEREAS By-law No. 97-140 was enacted on June 24, 1997 pursuant to the Planning Act Part IV titled "Community Improvement" (R.S.O. 1990 Chapter P.13) to adopt the Downtown Hamilton Community Improvement Plan;

AND WHEREAS the Plan adopted by By-law 97-140 was approved by the Minister of Municipal Affairs and Housing on July 22, 1997;

AND WHEREAS By-law No. 97-140 was amended, with the approval of the Minister, by several subsequent amending By-laws, including By-laws 98-122; 98-212 and 98- 289: (hereinafter the said Plan as amended, may be referred to as the "Downtown Hamilton Community Improvement Plan" or as the "Plan"";

AND WHEREAS subsection 28(7) of the Planning Act, states:

> "(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan."

AND WHEREAS the Planning Act states that the approval of the Minister of Municipal Affairs and Housing is required,

(a) to the by-law adopting a Community Improvement Plan or an amendment thereto; [section 28(4)]; and

(b) to the City's exercise of any power or authority pursuant to the community improvement provisions of the Planning Act for the purpose of carrying out a community improvement plan, where the exercise of such power or authority would be bonuses prohibited under subsection 111(1) of the Municipal Act, [subsection 28(8), Planning Act].

AND WHEREAS for purposes of a further amendment to the said Plan regarding the provision by the municipality of grants towards the costs of rehabilitation of designated commercial and industrial properties as hereinafter provided for in this By-law, the Planning and Development Committee has held a public meeting on August 11th, 1999;

AND WHEREAS Council, on August 11th 1999, in adopting Section (specify) of

the (specify) Report of the Planning and Development Committee, authorized this By-law to amend the Downtown Hamilton Community Improvement Plan;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Downtown Hamilton Community Improvement Plan, is hereby amended by adding thereto as Part Two, the following provisions titled "Tax Incentive Program for Designated Commercial/Industrial Buildings in Hamilton's Downtown", which additional provisions are as follows:

Part II

TAX INCENTIVE PROGRAM FOR DESIGNATED COMMERCIAL/INDUSTRIAL BUILDINGS IN HAMILTON'S DOWNTOWN

Description

The intent of the Tax Incentive Program is to provide an economic catalyst for renovating commercial/industrial buildings located within the Hamilton Downtown Community Improvement Project Area, which are designated under the Ontario Heritage Act. The Program establishes a ten-year rebate (grant) related to the increased realty taxes (City and Regional portion of the increase) based on the increased property assessment as a direct result of renovations to historic buildings and represents the differential between the pre-renovation assessment and the post-renovation assessment.

Eligibility criteria:

The building must be designated under the Ontario Heritage Act and have a present or former use as a commercial or industrial building;

The building must be located within the boundaries prescribed in the Hamilton Downtown Community Improvement Plan (Queen Street to Victoria Avenue, Hunter to Cannon Streets);

Application for this tax incentive will only be accepted after final approval of this program; and,

If new construction is added to the historic building as part of the total project, the rebate (grant) will only apply to the original size of the designated heritage building.

Requirements:

The building would have to be renovated in such a way that would complement the Reasons for Designation, and a Heritage Permit must be approved by City Council for any alterations to the heritage features identified in the Reasons for Designation;

The property must be insured at replacement value;

The property shall not be in realty tax arrears;

The total amount of rebate (grant) is not to exceed the cost of the work done to the building; grants will cease when the amount equals the value of the work done; and

The property owner may apply for the Tax Incentive Program at the time a Building

Permit is applied for and will sign a Tax Incentive Agreement with the City when the impact of the construction to the tax roll is available to the City.

Conditions:

Only the City and Regional portion of the realty tax increase is eligible; the percentage of the property taxes paid for education is not eligible.

If a building is sold within this ten-year period, the tax incentive will continue with the new owner after the sale of the building;

The property will continue to be eligible for the tax incentive program as long as it is maintained in its rehabilitated condition during the said ten-year period;

The City may discontinue the Tax Incentive Program at any time; however, participants prior to its closing will continue to receive the grants, which had been determined for their properties.

Each grant application will be subject to Council Approval, including the availability of City funds and to such other conditions as Council may require.

The property assessment at the time of application will be used to determine the pre-renovation tax.

3. The Director of Public Works and Traffic is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing,

   (a) for approval, as required by subsection 28(4) of the Planning Act, to this amending by-law adopting these amendments to the said Community Improvement Plan;

   (b) for approval, as required by subsection 28(8) of the Community Improvement Part IV of the Planning Act, to be granted to the City by the Minister, to permit the City to implement the said Heritage Renewal Grants as provided for in this amending by-law, that would otherwise be bonuses prohibited by subsection 111(1) of the Municipal Act.

4. This By-law shall come into force and effect on the date the Minister grants the said approvals.

PASSED this day of , 1999.

MUNICIPAL CLERK MAYOR

(1999) 9 R.P.D.C. 5, April 13
(1999) 10 R.P.D.C. 7, April 27

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 July 9
(CI 96-I)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Ms. Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Zoning By-Law Amendment - Elimination of Residential Parking and Loading Requirements in the Downtown (PDC 99042)

RECOMMENDATION:

That approval be given to City Initiative 96-I to extend the time period for the elimination of the residential parking and loading requirements until September 1, 2002, except for residential care facilities and short term care facilities, in the downtown area, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the requirements, as contained in Section 18A of Zoning By-law No. 6593, as modified by By-law No. 97-015, be further amended to extend the time period for the elimination of the residential parking and loading requirements in the downtown area, as shown on Schedule "K" of Zoning By-law No. 6593 as follows:

a) That Section 18A.(42) be amended by deleting the words *November 1, 1996 and September 1, 1999* at the end of the clause and replacing them with *September 1, 1999 and September 1, 2002* so the entire clause reads as follows:

"Except for residential care facilities and short term care facilities, where residential uses mentioned on paragraph 1 in Table 1 and Table 3 are located in the area shown on Schedule "K", no parking and loading will be required for residential uses established within the period between *September 1, 1999 and September 1, 2002.*"

ii) That Corporate Counsel be authorized and directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

iii) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed modification is to extend the current by-law moratorium on residential parking and loading for another three years in the downtown area, as shown on the attached map marked as APPENDIX 'A".

The effect of this by-law modification is to eliminate the parking and loading requirements for residential uses, except for residential care facilities and short term care facilities, until September 1, 2002.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider a Zoning by-law amendment.

BACKGROUND:

On November 26, 1996, City Council passed By-law 97-015 which eliminated the parking and loading requirement for downtown residential development from November 1, 1996 to September 1, 1999. This initiative was done in conjunction with other zoning and the "Open for Business" initiatives which were aimed at stimulating development downtown.

Subsequent to these initiatives, there have been three residential projects approved in this special downtown area that have taken advantage.

AREA EXEMPT FROM PARKING/LOADING REQUIREMENTS

In 1997, the original proposal for the zoning by-law amendment was much larger than what was approved by City Council. Many of the neighbourhood associations were concerned about the potential spill over effect the elimination of parking would have on the surrounding residential areas. After extensive public consultation, the boundaries were reduced. APPENDIX "A" delineates the boundaries where the parking and loading requirements have been waived for residential development (except residential care facilities and short term care facilities). The north east quadrant in the Beasley Neighbourhood and the south/east corner in the Corktown Neighbourhood were not included because of the potential spill over of parking onto the local streets.

The boundaries generally are in line with the area designated as downtown and the "Open for Business " initiative.

Since 1997, there has been one development which received an exemption for residential parking and loading outside the boundary shown on APPENDIX "A". Staff supported these variances for 129 Rebecca Street (ZAC 99-01) due to the site limitations and the proximity to the downtown area covered by the By-law No. 97-015.

RESIDENTIAL DEVELOPMENT IN THE DOWNTOWN

Since the approval of By-law No. 97-015, there have been three residential developments approved in the downtown:

Address	**# of res.units**	**# of parking spaces provided**	**# of parking spaces req'd without by-law no. 97-015**	**# of loading spaces provided**	**# of loading spaces req'd without by-law no. 97-015**
12/14 Walnut (City Places)	37	15	30	1 small	1 large
129 Rebecca[1]	12	0	10	0	1 small
260-280 King E	90	92	90	0	1 large

It should be noted none of the developments have been completed at the present time; however, each of these projects are at various stages of the development approvals process:

129 Rebecca	building permit pending
12/14 Walnut	under construction
260/280 King E	conditions of site plan control application to be finalized

AREA PROPOSED TO BE EXEMPT FROM PARKING/LOADING REQUIREMENTS

The boundaries established by By-law No. 97-015 have been reviewed to determine if any adjustments are required.

[1] This development is outside the boundary as shown on APPENDIX "A"

It should be noted there has been limited use of the parking/loading exemption. Therefore, it is difficult to predict what the spill over effects on surrounding residential areas will be.

In addition, as stated in the previous report dealing with the parking exemption, notwithstanding the zoning by-law requirements, developers will provide the parking they feel is necessary to make the project viable. For example, the proposed development on King Street East has provided more spaces than what was required prior to By-law No. 97-015. City Places has provided approximately one half the required parking.

One of the goals of the proposed downtown secondary plan is to increase the amount of residential development in the downtown area. Any residential development outside the boundary requesting the elimination of parking and loading can be assessed on its own merits.

The concerns of the neighbourhoods in 1996 are no less valid in 1999. In this regard, the boundaries as shown on APPENDIX "A" should remain the same as those approved in By-Law No. 97-015.

COMMENTS FROM OTHER DEPARTMENTS:

The Public Works and Traffic Department (Traffic Division) has advised they have concerns with respect to the elimination of the parking and loading requirements for downtown residential development. However, should this moratorium be reinstated then it should be done on a temporary basis of 2-3 years. (see APPENDIX "B").

COMMENTS:

1. The proposed three year extension to eliminate parking and loading for residential developments, except residential care facilities and short term care facilities, in the downtown should be supported on the following basis:

    a) the downtown is showing positive signs of economic recovery which has the potential of becoming greater within the next 3 years;

    b) there is a clear support for increasing residential development in the downtown from the Downtown Charette, the Strong Medicine Report, the proposed Downtown Secondary Plan and associated studies, the BIA's and the public at large; and,

    c) this initiative demonstrates municipal commitment to help remove barriers for downtown development. For the information of the Committee, one underground parking space costs between $15,000 and $20,000. Elimination of these costs will make downtown residential development more affordable.

2. The boundaries for this initiative, as shown on APPENDIX "A" should remain the same. The concerns expressed by the various neighhbourhood associations are valid. Proposals for residential development without parking and loading, outside the boundary can be evaluated on their own merits.

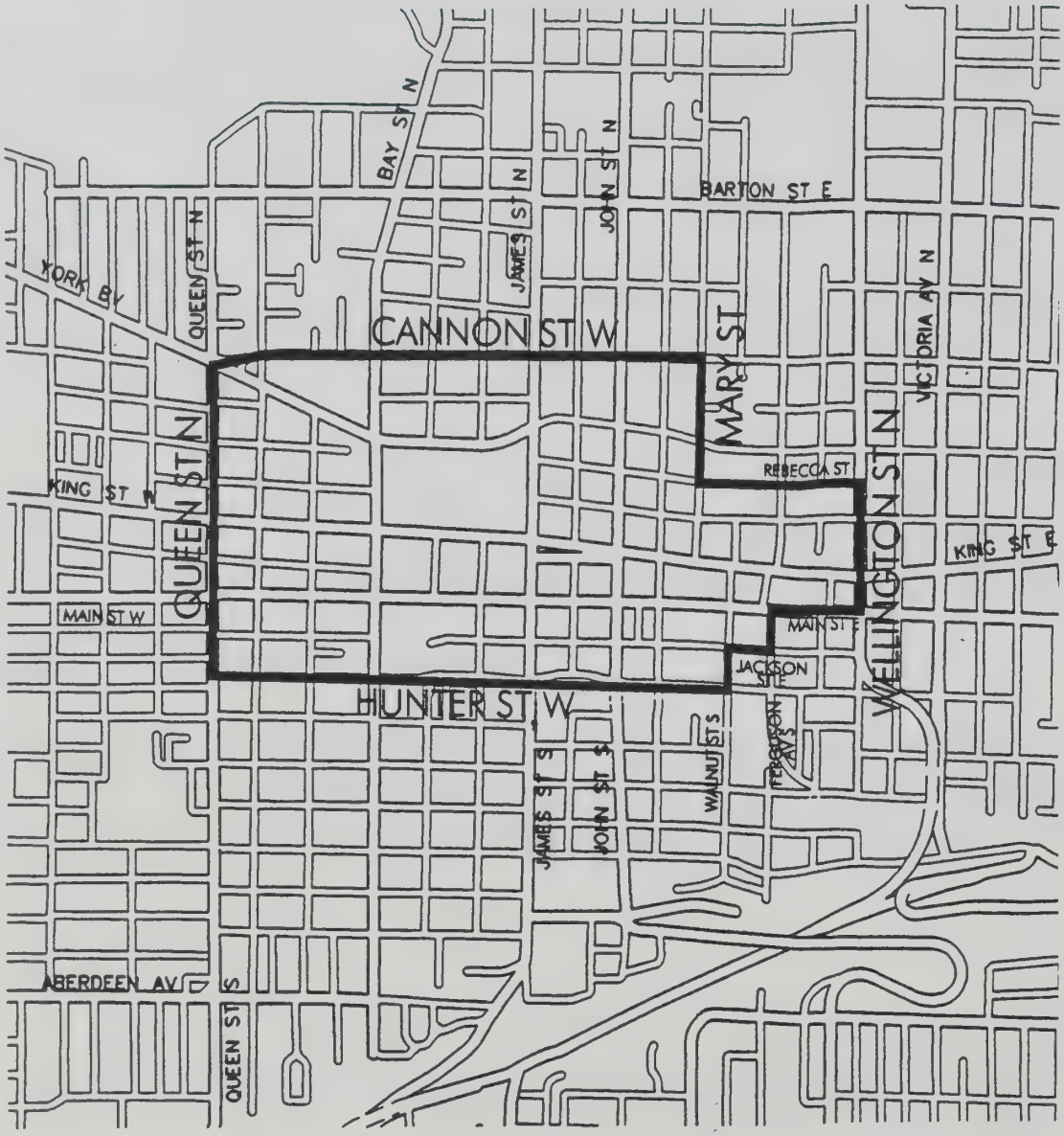
3. There are a large number of public and private parking lots in the downtown area that could accommodate the parking from proposed residential development.

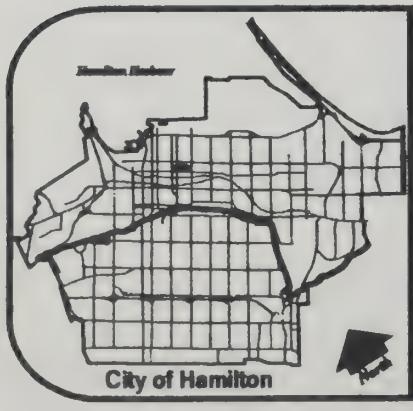
4. Regardless of whether or not there is a residential parking requirement, developers will provide parking in response to market conditions, based on the developments proposed in the downtown. The larger developments have provided some on-site parking for the development.

CONCLUSION:

Based on the foregoing, the City Initiative extending the three year moratorium for residential parking and loading requirements can be supported.

JHE





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

NO PARKING AND LOADING SPACES REQUIRED FOR RESIDENTIAL DEVELOPMENT

Reference file:	CI-96-I
Scale	Not to Scale
Date	July, 1999
Technician:	FAB

APPENDIX A

CITY OF HAMILTON AND
REGION OF
HAMILTON-WENTWORTH

Transportation, Operations & Environment
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APPENDIX "B"

1999 July 20

Bill Janssen, Division Head
Policy and Neighbourhood Planning
Planning and Development Department

Attn: Joanne Hickey-Evans

Dear Sir:

Re: Downtown Parking Requirements

As a preface to our comments, we again reiterate our strong support for downtown residential redevelopment. The key to a vibrant core is people who live there, not just work and shop there. The following comments should be taken in this context.

The issue of requiring parking for downtown residential developments depends on the expectation of vehicle ownership by the proposed residents. We feel it is unreasonable to expect virtually all new occupants of the downtown core not to own vehicles. For example, even to access the nearest grocery supermarket at present requires a substantial trip, which is more convenient by car than by bus. New residents will likely bring with them new autos, and we will have to accommodate the extra autos.

Recent experience with the City Places project has already shown this. The developer (in this case the City) has already requested parking for the development. The required parking is not available in the area. Neither curb space nor close proximity civic parking lots are available. This may be more typical rather than an exception.

In the perimeter of the designated downtown area, overflow parking from future developments which have no on-site parking will conflict with the existing parking shortages already experienced by residents. Three years ago, the surrounding neighbourhoods were unanimous in their opposition to this regulation and we assume that there has been no change in their position in the interim.

In the inner core, a substantial amount of on-street metered parking has been created in the past three years. However, this parking is clearly to aid commercial enterprise and any thoughts of using this as potential parking for residential development would result in a conflict between the commercial and residential sectors.

Another effect of residential development without on-site parking would be the support for small downtown parking lots. Since, ultimately, residents of these developments will have nowhere else to go, their parking needs may improve the viability of the small private parking lots. These are the precise properties which we would rather see redeveloped.

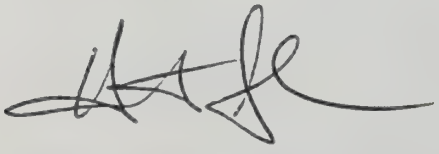
Therefore, unless current evidence indicates that virtually all new residents of the downtown core will be without auto ownership, we would suggest that the lack of parking requirements will have negative impacts. It will cause added parking pressure in the surrounding residential neighbourhoods; it will negatively impact on on-street parking for businesses and it will encourage the continued use of surface parking lots which we would prefer to see redeveloped. The one example we have encountered in the past three years supports this conclusion.

The exception would be retrofit developments. It is understood in this case that limitations on the building form restrict options for on-site parking. We will continue to support retrofit developments and the associated exemptions as required.

Ultimately, more viable developments will be more successful and more permanent.

If the existing moratorium is to be continued, we would suggest that it be only for a fixed period of 2 or 3 years in order to continue to gain information. We would also suggest that consideration be given to restoring at least a partial parking requirement of 0.50 parking space per unit in the interim.

Yours truly,



Hart L. Solomon, P.Eng.
Manager of Traffic Engineering and Operations

HLS/str

c.c. D. Lobo, Commissioner of Public Works and Traffic

12a)

CITY OF HAMILTON

- RECOMMENDATION –

DATE: 1999 August 5

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager, Community Planning & Development Division

SUBJECT: Amendments to the Tax Incentive Program for Designated Heritage Buildings in the Downtown (PDC 99056)

RECOMMENDATION:

That Council's approval of the Tax Incentive Program for Designated Heritage Buildings in the Downtown passed on 1999 April 13 (9th Report, Planning and Development Committee, item 5) be amended as follows:

(a) Reference to the proposed amendment to the Downtown Hamilton Community Improvement Plan authorized by Council on 1999 April 13 be deleted;

(b) That the provision of grants for the Tax Incentive Program be authorized pursuant to the provisions of the Ontario Heritage Act, Part IV, Section 39;

(c) That the General Manager, Community Planning & Development Division be directed to circulate notice of this Program to the owners of the eligible designated historic properties;

(d) That the requirement for the applicant to sign a Heritage Conservation Easement for rebates (grants) over $15,000. be added to the Tax Incentive Program—Eligibility Criteria.

Guy Papaella
for L.A.C.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council at its meeting held 1999 April 13 authorized preparation of an amendment to the Downtown Hamilton Community Improvement Plan to authorize a "Tax Incentive Program for Designated Commercial/Industrial Buildings in Hamilton's Downtown". At the subsequent April 27th, 1999 meeting Council also authorized that the proposed amendment provide for a maximum of ten years of rebates (grants) in place of the original five year period adopted by Council.

During preparation of the proposed amendment it was determined that the City is also authorized by the Ontario Heritage Act to make grants to property owners for the rehabilitation of designated historic buildings. The above recommendation is made pursuant to Council's authority under the Ontario Heritage Act.

As the Ontario Heritage Act provides the necessary legal framework to allow a municipal Tax Incentive Program of grants for rehabilitation of designated buildings, the requirements for amending Hamilton Downtown Community Improvement Plan, such as the preparation of a By-law and approval by the Minister of Municipal Affairs, will not be needed.

On 1999 June 29 Council authorized an upset budget limit of $250,000 per year for ten years to fund rebates (grants) for designated properties, which Funding is in Account Number CF 5317 609955036.

BACKGROUND:

Council is authorized to adopt and implement the program recommended above under Section 39 of the Ontario Heritage Act. This recommendation is consistent with Council policy in the City's Official Plan (C.6) to encourage the preservation, maintenance and restoration of the City's heritage properties pursuant to the Ontario Heritage Act.

Council has already approved the Tax Incentive Program in the previous Report to the Planning and Development Committee dated 1999 April 13. That Council approval authorized that rebates (grants) for the restoration of downtown Designated Heritage buildings be implemented by taking steps to enact a by-law in accordance with the Community Improvement Part of the Planning Act to amend the Downtown Hamilton Community Improvement Plan.

To amend the Downtown Hamilton Community Improvement Plan to provide for restoration rebates (grants), the Planning Act would require a series of prescribed notices, a bylaw, a ministerial approval and related steps.

In view of the fact that Council may also authorize grants for the rehabilitation of historic buildings pursuant to the Ontario Heritage Act without the complexties and steps prescribed by the Planning Act for Community Improvement Plans, an amendment to the Community Improvement Plan for Downtown Hamilton is considered unnecessary.

Each application for a rebate (grant) is subject to the conditions listed in the Tax Incentive Program as amended, including Council approval and to such other conditions as Council may also require as a condition of its approval.

c.c. R. Roszell, Corporate Counsel, Attn: D. A. Powers

126)

CITY OF HAMILTON

- RECOMMENDATION –

DATE: 1999 August 5

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager, Community Planning & Development

SUBJECT: Tax Incentive Program for Designated Heritage Buildings--
Lister Block application (PDC 99057)

RECOMMENDATION:

That Council's approval of a grant towards the restoration costs of the designated historic Lister Block building passed on 1999 June 29 (item 26, 13th Report, Planning & Development Committee) be amended as follows:

(a) deletion of the condition that the proposed grant is conditional upon enactment of a by-law to amend the Downtown Hamilton Community Improvement Plan; and,

(b) adding to the said June 29 resolution the following provision: "This proposed grant is made pursuant to the Ontario Heritage Act and the "Tax Incentive Program" adopted by Council on 1999 August 11."

(c) adding to the said June 29 resolution the following condition: "Prior to the payment of any portion of the rebate (grant), the owner of the Lister Block building shall have prepared, registered and dedicated to the City a Heritage Conservation Easement in the City's standard form."

Guy Papalia
for L.A.C.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council at its meeting held 1999 June 29 (item 26, 13th report, P & D) authorized a rebate (grant) towards the restoration of the exterior historic features of the Lister Block upon several conditions, including the condition that the City's Downtown Community Improvement Plan be amended to authorize a "Tax Incentive Program for Designated Commercial/Industrial Buildings in Hamilton's Downtown". At the subsequent April 27th, 1999 meeting Council also authorized that the proposed amendment provide for a maximum of ten years of rebates (grants) in place of the original five-year period adopted by Council.

During preparation of the proposed amendment it was determined that the City is also authorized by the Ontario Heritage Act to make grants to property owners for the rehabilitation of designated historic buildings. The above recommendation is made pursuant to Council's authority under the Ontario Heritage Act.

As the Ontario Heritage Act provides the necessary legal framework to allow a municipal Tax Incentive Program to give rebates (grants) for rehabilitation of designated buildings, the requirements for amending the Hamilton Downtown Community Improvement Plan, such as the preparation of a By-law and approval by the Minister of Municipal Affairs, will not be needed.

On 1999 June 29 Council authorized an upset budget limit of $250,000 per year for ten years to fund rebates (grants) for designated properties, which Funding is in Account Number CF 5317 609955036.

BACKGROUND:

The above amendment to Council's prior rebate (grant) approval removes the condition that the City's Downtown Hamilton Community Improvement Plan be amended.

The accompanying report to the Planning and Development Committee of the same date, entitled "Amendments to the Tax Incentive Program for Designated Heritage Buildings in the Downtown", recommends that the Ontario Heritage Act provide the legal authority for such grants.

The Lister Block and its restoration have been a Council priority for many years during which time several plans have been considered by the City.

The Tax Incentive Program is a ten-year rebate (grant) calculated to rebate the increase in the City and Regional portion of realty taxes resulting from an increase of property assessment due to rehabilitation undertaken on this historically designated building would be paid by the City.

It is also recommended above that the owner of the Lister block also be required, as a condition of approval of this (rebate) grant, to dedicate a Heritage Conservation Easement to the City. Where the City takes specific initiatives to preserve designated historic buildings, the City usually requires a Heritage Conservation Easement to ensure that a subsequent owner may not demolish the property. The designated Bank of Montreal at the corner of Main and James Streets is one example.

The Ontario Heritage Act, Part IV, Section 39, provides that a municipality may receive a Heritage Conservation Easement from a property owner. This easement is a more permanent form of protection against demolition, compared to historic designation by-laws which may only delay (for a 180-day waiting period) the demolition of a designated building.

c.c. R. Roszell, Corporate Counsel, Attn: D. A. Powers

12 c)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 July 27
(SS-OFB)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck
General Manager
Community Planning and Development Division

SUBJECT: Open for Business Policy (PDC99037)

RECOMMENDATIONS:

1. That the current "Open for Business" Policy as adopted by Council be continued for a further period of three years, to August 31, 2002;
2. That the rebate for parkland dedication under this Policy be refunded to the Reserve for Parkland from the general tax levy;
3. That the Open for Business Policy be expanded to the Central Area (bounded by Queen Street, the Escarpment, Victoria Avenue, and Hamilton Harbour) for residential development only, in accordance with Recommendations 1 and 2 above;
4. That staff be directed to prepare a Community Improvement Plan for the residential expansion area, in accordance with Recommendation 3 above; and,
5. That Corporate Counsel be authorized and directed to prepare the appropriate by-law for presentation to City Council.

- LeeAnn Coveyduck.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no staffing implications.

Implementation of this report would require amendments to the City's by-laws to continue the existing policy and program. A Community Improvement Plan would also be required to implement the expansion of the program for residential purposes to the broader Central Area. The Community Improvement Plan requires the approval of the Minister of Municipal Affairs.

Revenue implications are detailed in a separate section of this report, together with the assumptions on which the implications are discussed.

BACKGROUND:

In 1996, Council approved the creation of the "Open for Business" policy and program for downtown Hamilton. The area affected by this policy is bounded by Queen Street, Hunter Street, Victoria Avenue, and Cannon Street. The policy consisted of the following:

- Refunding of all application fees for the downtown area. Permit refunds were granted for the following:
  - Planning applications (Official Plan amendments, rezonings, site plan applications, Committee of Adjustment applications); and,
  - Building Permits (including building and demolition permits, zoning and property reports, inspection fees).

- Elimination of the City residential development charge within the downtown area (the City has no commercial or industrial development charges). The Region also eliminated the development charges (residential and commercial) for the downtown area.

This policy had the following stipulations:

- A building permit must be issued by September 1, 1999 in order for the fees to be refunded;
- Fees are only refunded upon the issuance of a building permit; and,
- The fee(s) must be paid after August 27, 1996.

This report is a review of the Open for Business Policy as the policy is due to expire on August 31, 1999.

CURRENT POLICY – REFUND INFORMATION:

The following is a summary of the refunds that have been issued since the "Open for Business" Policy was adopted and implemented.

1. Refunds by Year

Year	Total Refunds
1996 (Sept. to Dec.)	$17,032
1997	$81,878
1998	$129,439
1999 (to date)	$15,696
TOTAL	$244,045

These refunds represent the total refunds for planning applications and building fees.

2. **Refunds by Type of Use (All Years)**

Type of Use	Refunds Issued	Percentage
Office	$122,264	50.1%
Residential	$63,235	25.9%
Commercial	$42,758	17.5%
Institutional	$7,134	2.9%
Other	$8,654	3.5%

Refunds under the policy have been increasing since the policy began.

3. **Refunds by Type of Construction (New vs. Renovation)**

Type of Construction	No. of Permits/ Applications	Value	Percentage of Total Value
New Development	12	$54,171	22.20 %
Renovation	165	$188,189	77.11%
Other	14	$1,685	0.69 %

It should be noted that multiple permits have been issued for individual properties; please refer to the next table.

4. **Refunds by Number of Permits/Property**

No. of Permits	No. of Properties	Average Permit Value
10	1	$1,362
9	2	$1,180
8	1	$4,260
6	2	$2,532
5	2	$829
4	2	$2,466
3	2	$1,328
2	25	$804
1	69	$466

5. **Key Developments**

The aggregated data identifies the trends in the refund policy. There have been certain key developments and properties that have benefited from the current refund policy:

- City Places – This is the newly constructed City owned residential property at Walnut and King William Streets. Total refunds include the building permit and the site plan application fee: $37,625.00.
- First Place – First Place is the seniors' apartment building at Wellington and King Streets. Renovation of this property was completed with total permit

values of $13,215.00. This includes the zoning and site plan application fees, as well as the building permit fees.

- Hamilton Eaton Centre Renovation – This includes both commercial and office renovation in the Eaton Centre. A total of nine permits were issued (building permits) with a permit refund of $10,287.00.
- Ellen Fairclough Building – This property had nine permits refunded (building permits) with a total refund value of $10,953.00.
- Stelco Tower – This property had the largest number of refunds (10 permits) with a total refund value of $13,623.00.
- Standard Life – This property had the eight permit refunds for a total of $34,086. These refunds were issued for renovation of the office tower.
- Bank of Montreal – This is a newly constructed building at 50 Bay Street South. There were four building fee refunds and one planning fee refund for a total of $15,680.

6. Summary:

- The two significant new projects, one residential (City Places) and one office (Bank of Montreal) were constructed under this policy.
- The majority of refundable projects (77%) were renovation of existing buildings.
- The majority of refundable projects were in the office sector for key buildings in downtown Hamilton (Standard Life, Stelco Tower, Eaton Centre, Ellen Fairclough Building).

FUTURE KEY DEVELOPMENTS – DOWNTOWN HAMILTON:

1. Downtown Secondary Plan

One of the main projects being completed by the Community Planning and Development Division is the Downtown Secondary Plan – Putting People First. The project is coming to the conclusion of the first phase of the work – the completion of the Design and Economic Strategies.

The Division has received the draft final report for the Design Strategy, which will be presented to the Planning and Development Committee at a special meeting later this summer. The consultants, Urban Strategies Inc., have completed a broad study on downtown Hamilton with a clearly defined strategy for the downtown. Key findings include:

- The area of downtown Hamilton that is designated for commercial development is too large. The majority of downtown Hamilton has "I" (Central Business District) zoning which permits the most intense commercial development in the City. Yet, the Economic Strategy shows that the City will not require that amount of land for future commercial development. Narrowing the geographic area for commercial development is one recommendation in the Design Strategy. The balance of land in the downtown can be used for other purposes.
- Surrounding the Central Business District is a large supply of vacant and underutilized land. This supply provides an opportunity to implement one of

the key recommendations of the Design Strategy: increased housing in downtown Hamilton.

The Design Strategy recommends additional parks and open space in three of the four neighbourhoods that comprise the Secondary Plan area. The largest of these parks would be on land already owned by the City. However, other areas, with new residential development, will require parks as an amenity to the area. This will be key to developing attractive residential neighbourhoods.

The City's Development Charges Study assumes that 7,000 new housing units will be built in downtown Hamilton over a twenty-five year time period. This translates to 280 units per year. This figure may be somewhat ambitious given that the residential development in downtown in the past three years has consisted of City Places (50 units) plus smaller individual projects totaling six units.

However, the Design Strategy for the Downtown Secondary Plan does focus on housing and reconnecting neighbourhoods to the downtown core as one key component of the strategy. In reviewing the Open for Business Policy, it must be recognized that increased housing in the policy/program area should be incorporated into this review of the policy, particularly as it impacts on the amount of refunds that would be granted if the policy is continued. A range of 50 units to 280 units will be used in calculating the impacts of the policy.

2. Federal Office Building

The largest new office development (or redevelopment of existing space) will be the Federal Office Building. The Federal government is consolidating all of its offices into one location of approximately 250,000 square feet.

3. Entertainment Centre

In 1998, Council issued a Request for Proposals for an Urban Entertainment Centre in downtown Hamilton. Canderel Stoneridge Equity Group has been selected as the preferred proponent for this project. The project would be approximately 150,000 square feet in area.

REVENUE IMPLICATIONS:

This section deals with the revenue aspects of the Open for Business Policy. First is the refunds to date and the relationship to fees for the Planning and Building Departments. Second, are the revenue implications of continuing the policy – for fees, parkland dedication, and development charges.

1. Refunds to Date

a) Downtown Fees v. City of Hamilton (Planning Fees)

Year	Downtown Fees	City of Hamilton Fees	Downtown as Percentage of City
1996	$0.00	N/A	N/A
1997	$1,020.00	$151,055	0.7%
1998	$3,920.00	$198,525	1.97%
1999	$0.00	N/A	N/A

b) Downtown Fees v. City of Hamilton (Building Fees)

Year	Downtown Fees	City of Hamilton Fees	Downtown as Percentage of City
1996	$17,032	N/A	N/A
1997	$81,878	$1,516,477.70	5.4%
1998	$125,519	$1,804,523.15	6.96%
1999	$15,696	$698,157.53	2.2%

Total refunds (by year) range from two to seven percent of Building Revenue and less than one percent of Planning revenue.

c) Parkland Dedication

Parkland dedication would have been paid on 56 apartment units. Using an average land value of $10,000 per unit, the parkland dedication per unit would have been $500. The parkland dedication would have been $28,000.

d) Development Charges

The development charges are paid on new residential units (City), new residential units (Region), and newly constructed commercial space. The following table is a summary of the foregone development charges:

Development Charge	Revenue Foregone
City Residential (56 units)	$37,565.36
Region Residential (56 units)	$122,696.00
Region Commercial (50 Bay St. S.)	$44,019.00

2. Review of Revenue Implications for Continuing the Policy

The existing policy and program consists of three key elements of the refunding of municipal fees: application fees; parkland dedication; and development charges. Continuing the existing policy would have implications of lost revenue for the City and the Region, which is outlined in the following paragraphs.

a) Application Fees

These fees are paid for the cost of processing applications in the Planning and Building Departments of the Community Planning and Development Division. Current fees are:

Item	Current Fee
Official Plan Amendment	$3,875
Rezoning	$1,800 (routine) $3,450 (complex)
Committee of Adjustment (1 or 2 family dwelling)	$400
Committee of Adjustment (all others)	$650
Site Plan	$3,000
Revised Site Plan	$1,100
Building Permit	$150.00 for first $10,000 of construction value plus $9 for each additional $1,000 of construction value
Zoning Verification	$80.00 (regular service) $120.00 (express service)
Inspection Fee	Certificate of Compliance $200.00 plus $10 for each 93 m^2 in excess of first 93 m^2
Change of Use	$150.00
Demolition Permit	$220.00 plus $25 for each additional 3000 m^2 in excess of first 3000 m^2

Experience under the current policy and program indicates that the refunds for Planning fees are approximately one percent of projected revenues. Building fees have ranged from two to seven percent in the past three years. An average would be approximately five percent. For the 1999 Budget year, the following are the expected revenues for each Department, along with an estimate of the foregone revenue if the policy and program are continued:

Department	1999 Forecast Revenue	Estimated Foregone Revenue
Planning	$345,320	$3,453
Building	$1,210,000	$60,500
TOTAL		**$63,943**

Revenue estimates for the 2000 budget year are not yet complete. However, at a minimum, the current level of revenue can be used as an assumption for future projections of revenue. This would mean, if the policy and program were continued, that annual foregone revenue would be similar to the 1999 forecast.

b) Parkland Dedication

Parkland dedication is calculated at five percent of the land to be dedicated or an equivalent cash-in-lieu payment is made to the municipality. In Hamilton, this applies to residential development only. In 1996, planning for the downtown did not include future parkland development in the Open for Business Area. One of the premises for eliminating the parkland dedication was that there was no land designated for parkland to be acquired by the municipality nor were there undeveloped parks in the Community Improvement Project area. The work done on the Design Strategy for Downtown Hamilton changes this assumption. The Design Strategy recommends increased parkland in the downtown neighbourhood as a means to strengthen the residential community.

Apartment units average $10,000 for land cost, on which the parkland dedication is based. This translates to $500 per unit for the parkland dedication. Using the range of housing with 50 units as the low estimate and 280 units as the high estimate, the following would be the revenue impacts (estimated) in lost parkland revenue:

Units	Estimated Lost Revenue
50 units	$25,000
280 units	$140,000

The above estimates are based on the assumption that the units would be apartments. However, it is expected that some of the new units could be a mixture of singles, semis, and townhouses so the loss of parkland revenue would increase as the land value for townhouses and singes/semis is higher than apartments. This would be offset by the lower density of units for singles, semis, and townhouses.

c) Development Charges

Both the City and the Region have adopted development charges by-laws to establish the charges for new development. These charges are to address the cost of municipal services for new development. The current charges are:

Item	City Charge
Residential: Single, Semi, Row	$1,565.44
Residential: 1 bedroom apt.	$447.27
Residential: 2 bedroom apt.	$894.54
Commercial	$0.00

The above are the current development charges for the City as a whole. The development charges are currently being studied per the requirements of the Development Charges Act. Revisions to the charges may arise from the current study, which is expected to be brought forward to Council in August of 1999.

Item	Regional Charge
Residential: Single Family	$4,509
Residential: Multiple Family	$3,350
Residential: Apartment	$1,934
Commercial	$3.83 sq. ft.

Again, using the range of 50 and 280 residential units, the following would be the revenue impacts from continuing the open for business policy/program for development charges. As with the parkland revenue, the figures are calculated using the apartment rate (an average rate for the City one and two bedroom charges or $670.91 per unit) and the apartment rate for the Regional Charge. Singles, semis, and townhouses would have higher revenue impacts because the charges are higher.

Also included are the estimates for the Regional Commercial charge for the Federal Office building and the Entertainment Centre.

Development Charge	Revenue Implications
City Residential (50 units)	$33,540.50
City Residential (280 units)	$187,854.80
Region Residential (50 units)	$167,500
Region Residential (280 units)	$541,520
Region Commercial (Federal Office)	$957,500
Region Commercial (Entertainment Centre)	$574,500

Under the new Development Charges Act, any refund of development charges under a program such as Open for Business must be repaid to

the development charges reserve from the tax levy. The above figures would not be lost revenue but would be a reduction in funds from the tax levy for other programs and services.

REVIEW OF POLICY AND RECOMMENDATIONS:

1. Key points for the existing policy include:

   - The upgrading of the existing office inventory in downtown Hamilton. This affects several key office buildings in downtown Hamilton. Some of these buildings have been upgraded to accommodate the move of the Region from 119 King St. West to other buildings (31 and 35 King Street East; Hamilton Eaton Centre). However, the majority of office upgrades have been for other buildings unrelated to the movement of Regional offices. The overall stock of downtown office space is improved from previous years and this will be beneficial in attracting new tenants.
   - The construction of two significant projects has occurred in downtown Hamilton - City Places and the Bank of Montreal building. The Bank of Montreal project was constructed at a key intersection in downtown Hamilton (Main and Bay); City Places redeveloped a vacant and underutilized brownfield site at King William and Walnut.
   - The program has been utilized for smaller property upgrades and improvements in downtown Hamilton. This is beneficial to the City as a whole and the downtown in particular as it is a level of investment that was not present previously. Caution must be exercised, however, in attributing this solely to the Open for Business Policy. The economies in North America and Ontario have seen the highest growth of the decade at the same time as this program has been in effect. The investment in downtown Hamilton is likely due to a number of factors, including the Open for Business Policy. It is interesting to note that projections for the economy in North America, Ontario, and Hamilton-Wentworth for 1999 appear to support continued growth.

     Overall, there appears to have been an upgrading of the office inventory in the downtown, as well as some smaller properties. This is beneficial to the City and the downtown because it shows the investment in downtown. It also illustrates one of the key points for downtown revitalization: small moves, rather than one "magic bullet" are a more effective strategy.

2. The previous policy was developed based on a set of assumptions related to downtown Hamilton. Since that time, the Design Strategy for the Secondary Plan has been completed. Two of the key strategies include: the public realm (streets, open space, parks) and new housing downtown. There exists an opportunity to tie the Open for Business Policy to the strategies for the downtown. This is the recommended option, which is outlined below. The time frame would be a further three years (i.e. to August 31, 2002).

   a) <u>Planning Applications and Building Refunds</u>

      This review of the Open for Business Policy indicates that the policy and program have had some success. The policy and program certainly state clearly Council's support for downtown revitalization and development.

The foregone revenue for permits and planning applications is not a significant amount of revenue. Continuing this policy is recommended as a statement of support for downtown development.

b) Parkland Dedication

The reserve for parkland dedication is used to acquire and develop parkland. The Design Strategy for the Downtown includes several new parks in the study area. In order to fund the acquisition of these parks, funds from the parkland reserve will be required. Some of the new parks will be acquired through land dedication. Foregoing the parkland dedication means Council will have to fund the acquisition and development from the reserve or through the general levy.

Previously, Council established a one year moratorium on parkland dedication. At the end of that period, the foregone revenue was refunded to the reserve for parkland. It is recommended that this be added to the current policy to ensure sufficient funds are available to fund the parks in downtown Hamilton.

c) Development Charges

Development charges that are refunded must be repaid to the reserve from the general tax levy. This means that foregone development charges revenue will be taken from the levy; this revenue will be lost for other purposes. This is a requirement of the Development Charges Act.

d) Expansion of Program

The Design and Economic Strategies for the Downtown Secondary Plan emphasize the importance of housing in the areas surrounding downtown. These consumers become the market focus for downtown. More consumers mean increased use of the businesses and services in downtown Hamilton. However, the program's focus should remain on the downtown area as a priority. New residential units that support downtown Hamilton, in the Central Area (as defined in the Central Area Plan) could be included in the Open for Business Policy at a reduced rate of refund (i.e. 50% of fees refunded).

No specific estimates of the revenue implications of this program are available; however, it is expected that the cost would not be significant and would be less than the estimates for the downtown area.

In order to implement this program, a Community Improvement Plan is required. The Plan would be prepared by staff and adopted by Council. A public meeting for the Plan would be required in accordance with the Planning Act. The recommendations for this report include direction for staff to prepare the Community Improvement Plan for adoption by Council.

3. The Community Planning and Development Division has received the following requests for expansion of the Open for Business Policy. Each is summarized below, together with an evaluation and recommendation.

i. Nos. 135 and 143 James Street South and Barton Village BIA

a) Nature of the Request

The two individual properties are two office buildings located on the west side of James Street South, south of the GO Station. The properties are in real estate tax arrears and have been taken over by the mortgage company. A request has been received from an agent acting for a potential group of purchasers. The purchasers are proposing to upgrade the physical plant of the buildings including safety, energy efficiency, structural improvements, and the mechanical systems. No estimate of the investment is available. The agent has indicated that the group would "negotiate and investigate the redevelopment opportunities in earnest" if the policy were extended to apply to these properties.

The request from the Barton Village BIA is to expand the policy and program area to include Barton Street for the BIA area only.

b) Review of Request

The requested inclusion of these buildings and the Barton BIA in the Open for Business Policy cannot be supported by staff. The Open for Business Policy was intended to focus and spur redevelopment in downtown Hamilton. The downtown area was clearly defined as the Community Improvement Project Area for specific reasons, including: the extensive vacant land supply in the area; the need to focus redevelopment in the core; and to create opportunity for investment in downtown Hamilton. James Street South has many attractive buildings and businesses that are succeeding. This area of the City does not face the same challenges as the downtown. Downtown Hamilton has been set as a priority by Council – expanding the area of the incentive program could dilute the program's effectiveness.

ii. No. 124 Walnut Street South

a) Nature of the Request

This property is the subject of an application to convert the existing building to either 27-32 seniors' apartments or a 70 bed seniors' residence. The property is listed on the City's Inventory of Architecturally and Historically Significant Buildings and is located at Augusta and Walnut Streets. No information is available on the construction value of the project.

b) Review of Request

This request would be dealt with under the Expansion Area (see above).

iii. CN Station

a) Nature of the Request

This property is to be adaptively re-used for two purposes: a banquet centre in the station building and a nursing home adjacent to the station building. The developers have requested that the Open for Business Policy be expanded to cover this property. No further details are available on the proposal.

b) Review of Request

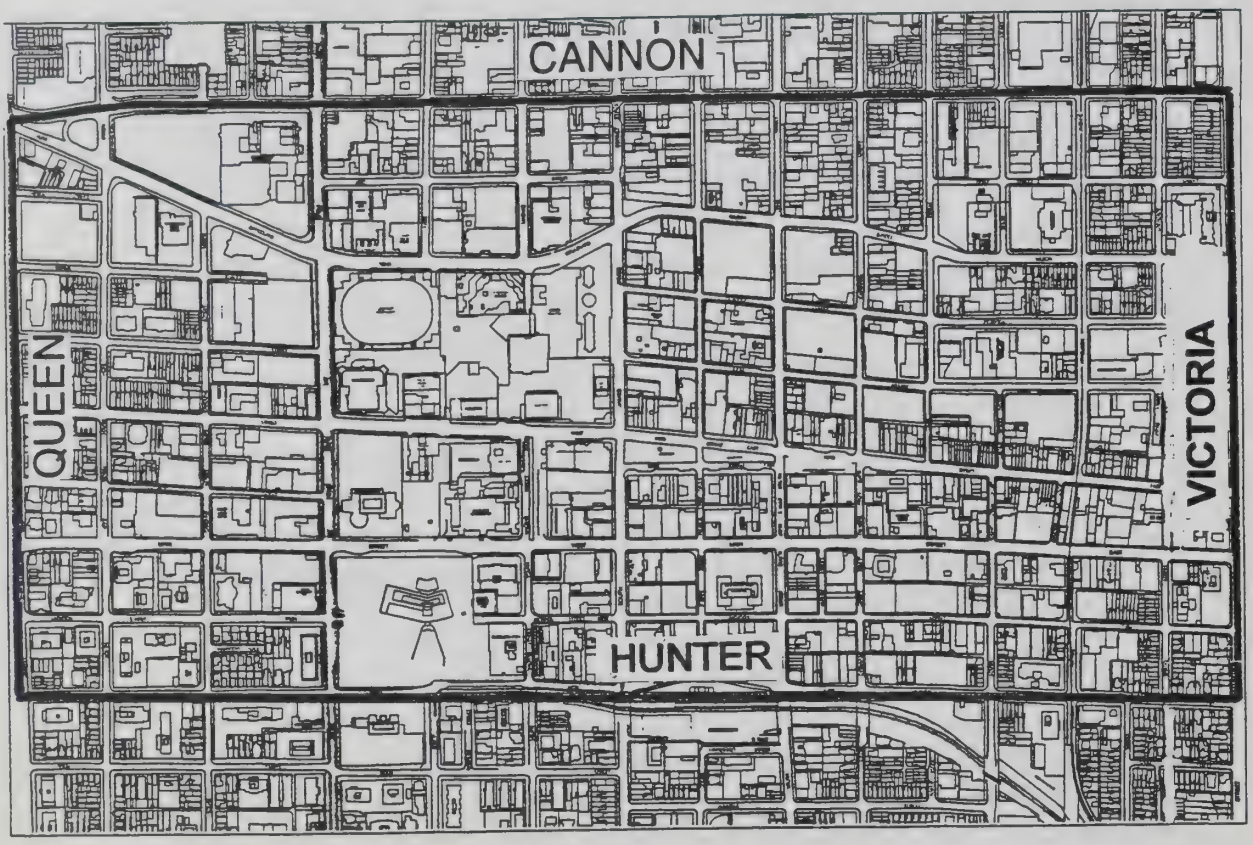
The nursing home portion of the development would be covered in the proposed residential only expansion area. The expansion of the policy to cover the banquet centre cannot be supported for the same reasons as outlined above for the properties on James Street and Barton Street. However, as the CN Station is a heritage building, there are other opportunities to support the adaptive re-use of this building through heritage funding programs. Those opportunities could be reviewed when more details are forthcoming.

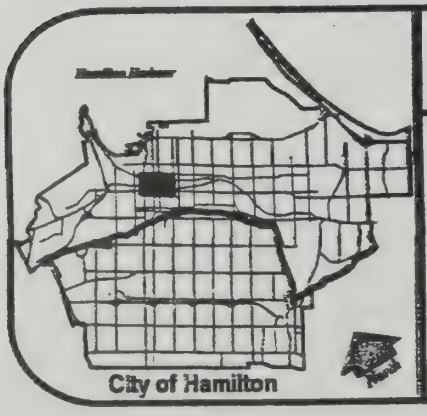
CONCLUSION:

As outlined above, it is recommended that the Open for Business Policy be continued for a further period of three years, on the following basis:

i. Planning applications and building permits are refunded for the downtown area;
ii. Parkland dedication is refunded for the downtown area and the refunded amount is repaid to the parkland dedication reserve from the general levy;
iii. Development charges are abated;
iv. The above three recommendations shall also apply to residential development in the Central Area (Queen Street, the Escarpment, Victoria Avenue, and Hamilton Harbour) at a reduced refund rate of 50%. This will be implemented through a Community Improvement Plan for these areas.

MLT





PLANNING AND DEVELOPMENT DEPARTMENT

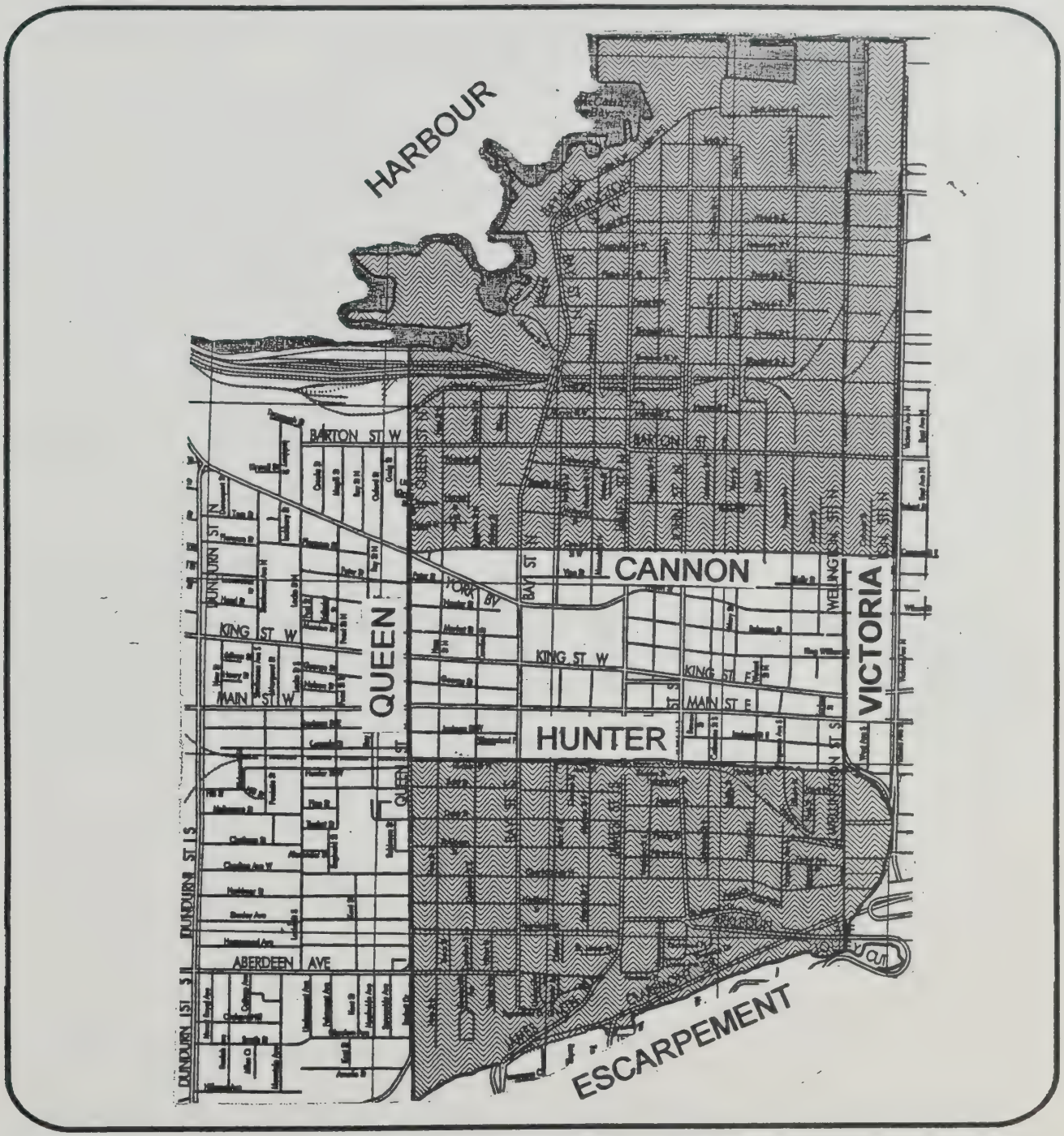
Location Map

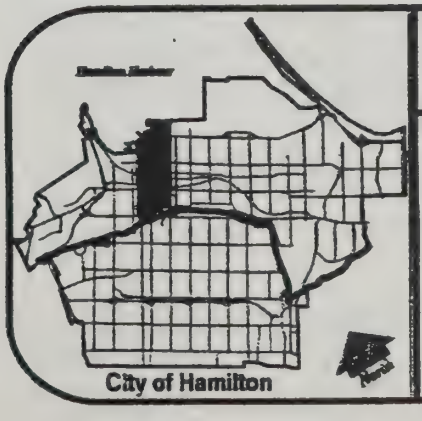
Legend

OPEN FOR BUSINESS POLICY

Downtown Area

Reference file:
Scale: Not to Scale
Date: July, 1999
Technician: FAB
APPENDIX A





COMMUNITY PLANNING AND DEVELOPMENT DIVISION

Location Map

Legend

OPEN FOR BUSINESS POLICY

Residential Expansion Area

Reference file:	
Scale	Not to Scale
Date	July, 1999
Technician:	FAB
APPENDIX B	

12 d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1999 August 4
DA-99-22
Bartonville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Lee Ann Coveyduck, General Manager
Community Planning and Development Division

SUBJECT: Request for a reduction in "Security Requirements" under Site Plan Control - 1800 King Street East (PDC99054).

RECOMMENDATION:

That the request for a reduction in the Security Requirements to $30,000.00 whereas $77,556.00 is required under Site Plan Control DA-99-22, by **Jadwiga Weiss, owner** of lands at 1800 King Street East for a seventeen (17) person senior citizen residential care facility within the existing building (former Hamilton Star Temple), as shown on the attached map marked as Appendix "A", be denied.

Leeann Coveyduck

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

On March 8, 1994, City Council adopted requirements for securities to be provided in conjunction with the approval of Site Plans to ensure that the required exterior works (such as access lane, parking areas, fences, landscaping, etc.) are constructed and are in accordance with the approved plans of projects.

Therefore, City Council approval is required to reduce security requirements.

BACKGROUND:

Site Plan Control Application DA-99-22 was approved on June 23, 1999 and final plans cleared on July 18,1999. However, the applicant has yet to finalize the Site Plan Control Agreement which is pending the submission of a letter of credit in the amount of $77,556.00.

Based upon the approved site, grading and landscape plan (See Appendix 'B), and estimates submitted by the applicant's Landscape Architect, the Development Engineering Section and the Land Development Department has verified that $98,540.65 of works are required for exterior works such as paving, sewers, fencing etc., and an additional $4,867.72 for landscaping for a total of $103,408.37 of site works for the project. The current security requirements (i.e. 75% of the cost of exterior works) would then require a letter of credit in the amount of **$77,556.00** prior to the issuance of a Building Permit.

The owner has advised that the $77,556.00 security requirement under Site Plan Control Approval is excessive when compared to the contract price and is jeopardizing the project (see Appendix 'C'). Therefore, the owner has requested a reduction in the amount requested to $30,000 which represents 29.0 % of the estimated value of exterior works whereas Council's policy requires 75%.

Site Plan Control Application DA-99-22

The applicant proposes to renovate the existing building (former Hamilton Star Temple) into a residential care facility (2nd Level Lodging Home) to accommodate seventeen (17) persons at 1800 King Street East, as shown on the attached map marked as Appendix "A". The development will provide a landscape treatment including an outdoor amenity area and garden plots for the residents. The details of the development are as follows:

• Net Lot Area		-	2,066.44 m^2 (22,243.70 S.F.)
• Gross Floor Area	existing	-	342.48 m^2 (3,686.54 S.F.)
• Building Height		-	one (1) storey
• No. of Parking Spaces		-	10, one (1) handicapped
• No. of Loading Spaces		-	n/a
• Landscape Area		-	1,050.61 m^2 (50.84%)
• Exterior Building Materials		-	existing aluminium siding, and asphalt shingles

Zoning Application ZAC-98-39

At its meeting of December 8, 1998, City Council approved Zoning Application ZAC-98-39, Jadwiga Weiss, prospective owner, for a further modification to the established "H" (Community Shopping Commercial, etc.) District, to permit a senior citizens residential care facility (2nd Level Lodging Home) to accommodate twenty (20) senior citizens within the existing building, for the property located at 1800 King Street East.

The implementing By-law 99-008 came into effect on February 24,1999.

COMMENTS:

On March 8, 1994, City Council adopted requirements for securities to be provided in conjunction with the approval of Site Plans to ensure that the required exterior works (such as access lane, parking areas, fences, landscaping, etc.) are constructed and are in accordance with the approved plans. At that time, the amount of the securities was calculated at 100% of the estimate of the exterior works.

At its meeting of May 10, 1994, City Council amended the calculation to be 75% of the estimate of the exterior works with permitted reductions of the security held on a request basis to 50% of the total value of the works required during completion of the project. In addition, the policy specified that "...City Council may exempt projects being carried out by government (Federal, Provincial and Municipal), as well as School Board projects, from providing securities;".

Subsequently at its meeting of February 10, 1998, City Council adopted the policy that reductions of securities be permitted to an amount equal to the total value of the works outstanding, but not less than 10% of the total value of the works required under the Agreement.

Upon request during the completion of a project, the Planning and Development Committee and City Council have reduced the initial security requirements in accordance with adopted City policy. However, when works have not commenced, Planning and Development Committee and City Council have not supported any reductions.

Recent request for reducution in security requirements

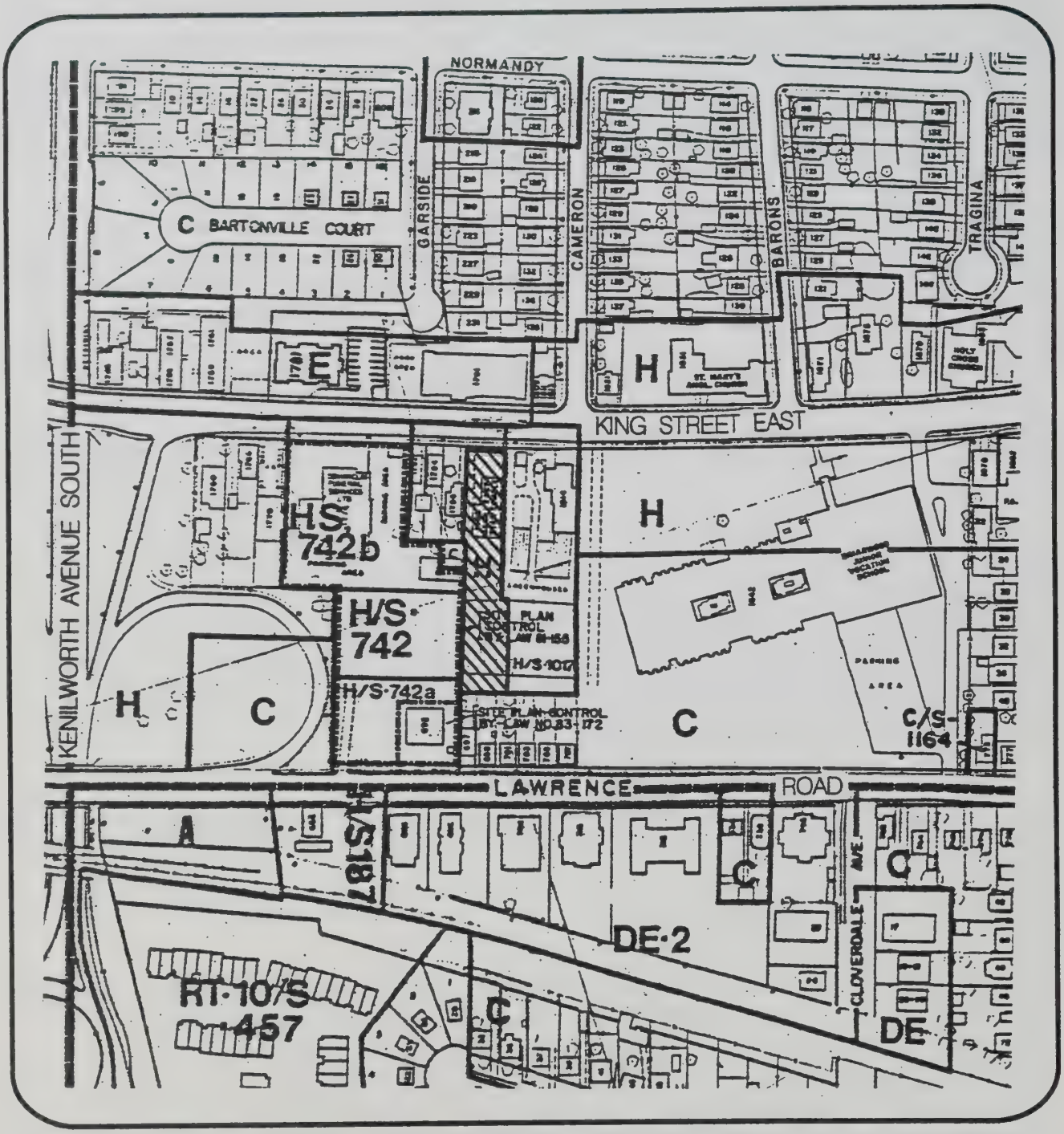
On October 7, 1998, the Planning and Development Committee denied, as recommended, a request for reduction of securities for Site Plan Control Application DA-98-04 at the corner of Wilson and Wellington for a 4 storey, 12 unit multiple dwelling. In that instance, the owner had requested that the security be established at $10, 000.00 which was 28.5 % of the total cost estimate.

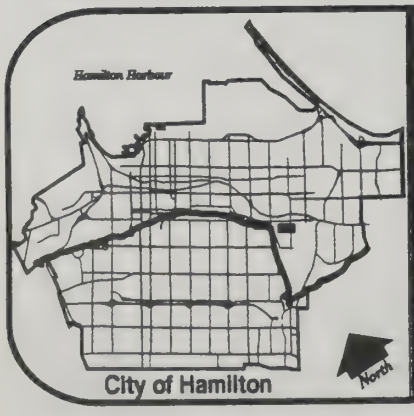
On February 17, 1999, the Planning and Development Committee approved a request for an exemption from the provision of the $7,500.00 security for the Stair Case Theatre project at 27 Dundurn Street.

CONCLUSION:

The established City Council policy regarding the provision of 75% of the total construction costs as security should be maintained and the request be denied.

JL/mm
DA-99-22





PLANNING AND DEVELOPMENT DEPARTMENT

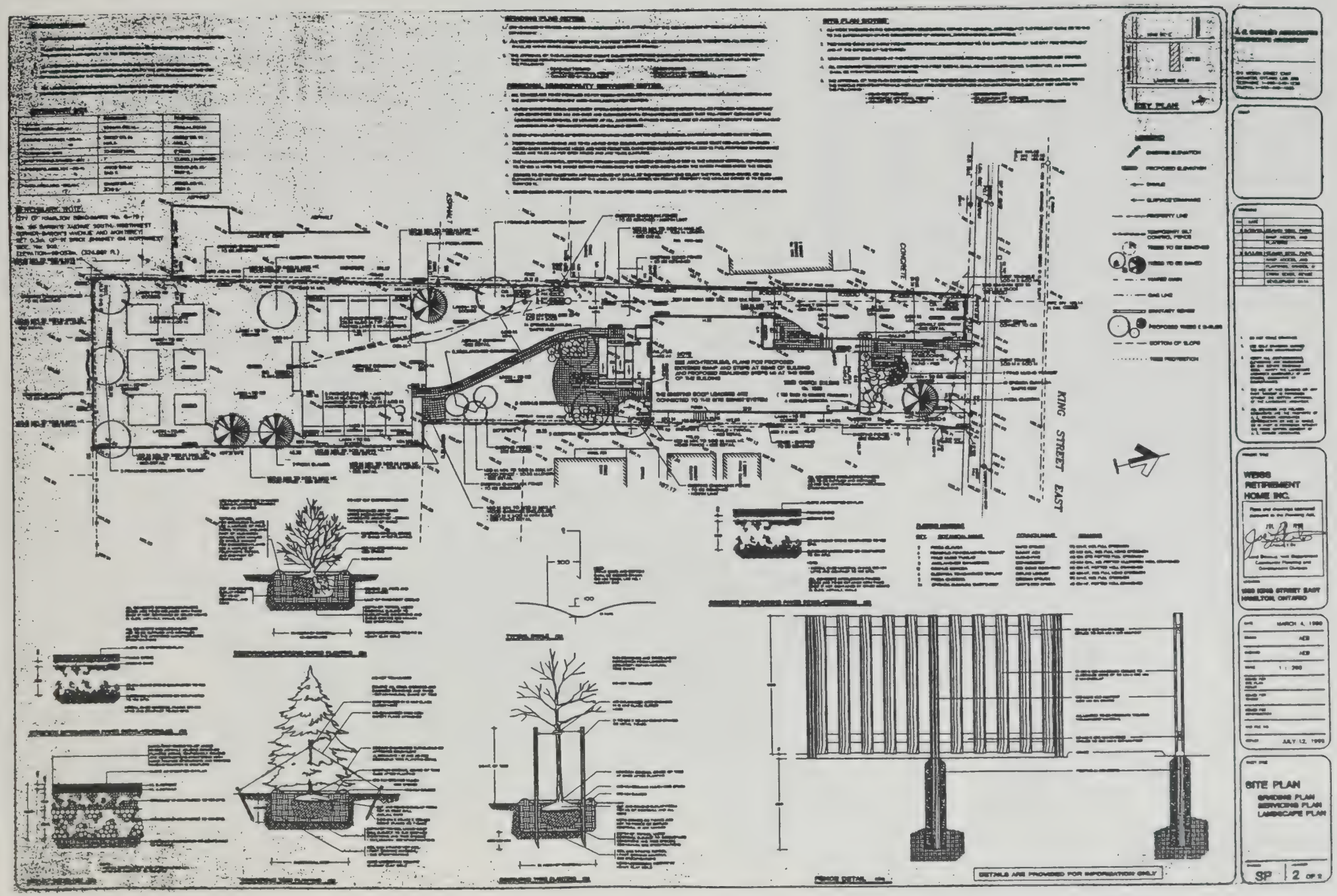
Location Map

Legend

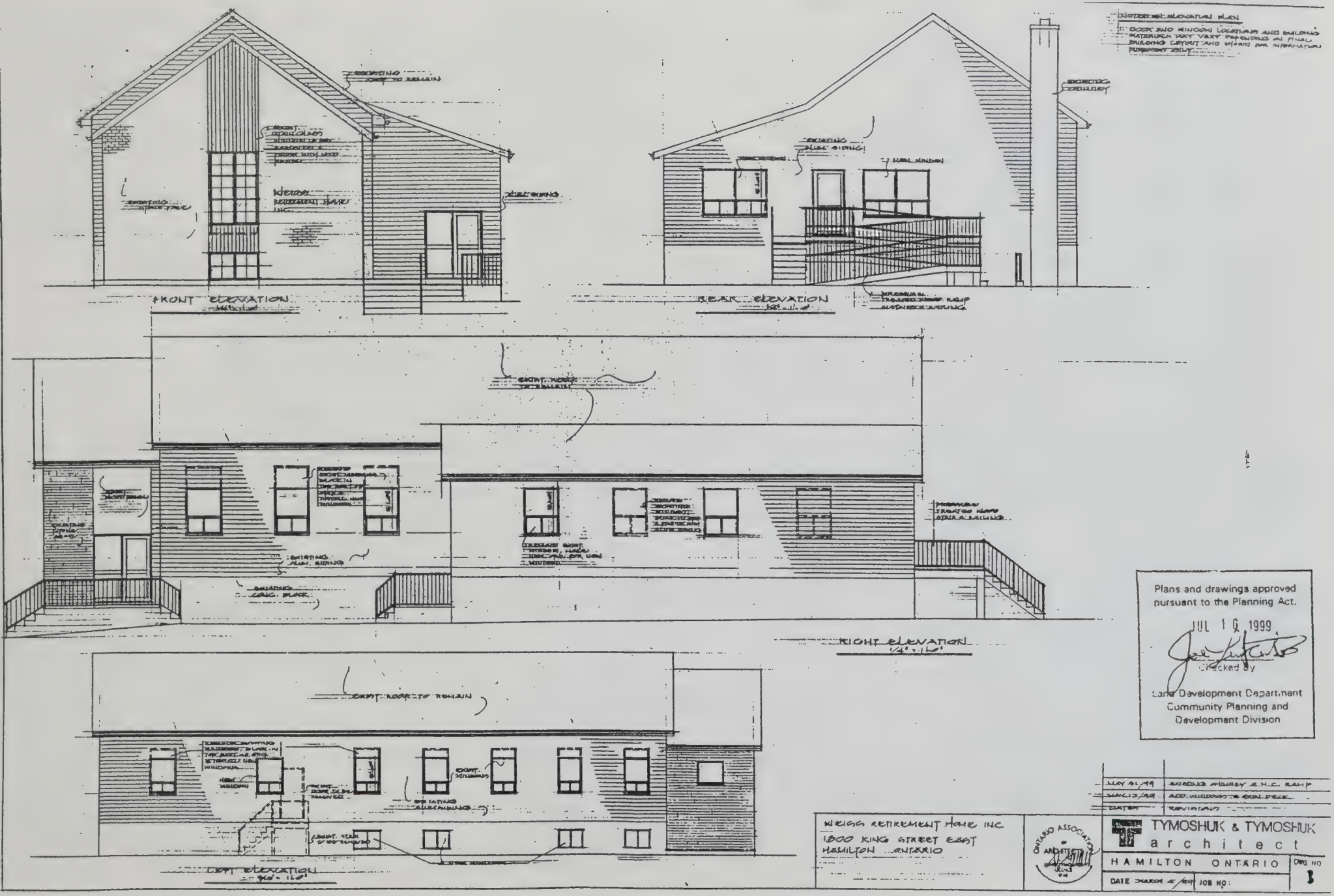
SITE OF APPLICATION

Reference file:	DA-99-22
Scale	Not to Scale
Date	MAY,1999
Technician:	FAB

APPENDIX A


KING STREET EAST
WEBB RETIREMENT HOME INC.
SITE PLAN
GRADING PLAN
SERVICING PLAN
LANDSCAPE PLAN
DETAILS ARE PROVIDED FOR INFORMATION ONLY

APPENDIX B



Plans and drawings approved pursuant to the Planning Act.

JUL 16 1999

Checked by

Land Development Department
Community Planning and Development Division

MAY 21/99	REVISED HEIGHT & H.C. RAMP
MAR 17/99	ADD WINDOWS & DOOR DELE.
DATE	REVISIONS

WEIGH RETIREMENT HOME INC
1800 KING STREET EAST
HAMILTON ONTARIO

ONTARIO ASSOCIATION OF ARCHITECTS

TYMOSHUK & TYMOSHUK
architect
HAMILTON ONTARIO

DATE MARCH 4/99 JOB NO:

DWG NO 3

APPENDIX B, CONT'D

Fred J. Lee
Barrister and Solicitor

SUITE 901
20 HUGHSON STREET SOUTH
HAMILTON, ONTARIO
CANADA L8N 2A1

Telephone (905) 528-0088
Fax (905) 528-7692

July 30, 1999

BY FACSIMILE: (905) 546-4202

Community Planning and Development
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Sirs/Mesdames:

Re: Site Plan Control Plan Application
DA-99-22 for 1800 King Street East

I act for Janusz Weiss and Jadwiga Weiss the owners of the above property who are currently trying to complete the requirements for the Site Plan Control Agreement which has now been executed and is ready for registration. The applicants are of the opinion that the amount required for a Letter of Credit as set forth in the Site Plan Agreement at Schedule D in the amount of $77,556.00 is excessive when compared to a contract price which they can arrange which will comply with all the requirements of the Site Plan Agreement. They wish to have the letter of credit requirement reduced to the sum of $30,000.00. It is recognized that in order for such a reduction to take place it will be necessary for the matter to be brought to Planning and Development Committee. It is hoped that the matter can be brought before a Planning and Development Committee meeting which is scheduled for August 11, 1999, even though, this request has been made at this time which is close to the hearing date. The applicants have encountered some difficulty in getting the letter of credit at the amount setforth in the Site Plan Agreement but anticipate no difficulty in getting a letter of credit or cash security for the lesser amount as herein requested. All other matters are prepared to proceed with the development as contracts have been let and any financing necessary has taken place. It is only this requirement which is currently providing difficulties to the applicants and accordingly the request is made in order to assist in obtaining the Building Permit and have the work commence soon.

On behalf of the clients I recognize the nature of this request and would appreciate at least the opportunity to be able to present the matter before the Planning and Development Committee meeting at the earliest opportunity. I thank you for your assistance and cooperation in this matter and look forward to your response.

Yours very truly,

FRED J. LEE
FJL:ta

APPENDIX C
TOTAL P.01

13.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: July 28, 1999

REPORT TO: Chairperson and Members
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Bellevue, 14 Belvidere Avenue – Building Permit Regulations

RECOMMENDATION:

That the Municipal Clerk provide the owner of 14 Belvidere Avenue, by registered mail, a copy of Bill Pr140, An Act respecting the City of Hamilton, which prescribes the time period for the owner to substantially complete the new building to be erected on the site within two years of the commencement of the demotion or removal of the existing designated building (Bellevue).

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Section 3(6) of Bill Pr140, An Act respecting the City of Hamilton, prescribes the requirement that the owner shall substantially complete the new building to be erected on the site, within two years of the commencement of the demolition or removal of a building or structure that is designated under the Ontario Heritage Act.

BACKGROUND:

In 1983, City Council designated the historic stone house at 14 Belvidere Avenue, Hamilton, known as Bellevue, pursuant to the provisions of the Ontario Heritage Act, primarily for its outstanding architectural value. Bellevue is a "sister" house to Whitehern with the same basic appearance and size, constructed by the same builders at the same time (late 1840s).

The house has been standing vacant since 1994 and has since suffered from neglect and vandalism. A site visit made on November 21, 1997, with the property owner, revealed that while the building had suffered substantial deterioration, it was still considered to be in sound condition.

On October 14, 1997, the owner applied for a demolition permit to demolish the historic building, and City Council at its meeting held December 11, 1997, imposed the 180-day delay of demolition in accordance with the provisions of Section 34 of the Ontario Heritage Act, 1999, as amended.

The purpose of the 180-day delay of demolition, which was to end on June 8, 1998, was to provide the City with time to investigate alternatives to demolition of a designated building, including trying to find a buyer that would preserve the historic house.

City Council, at its meeting held January 27, 1998, approved the hiring of an appraiser to make a professional evaluation of Bellevue to determine the fair market value of the property.

Following the expiration of the 180-day delay of demolition, a Demolition Permit could still not be issued until the owner complied with the requirements of Bill Pr140 which prescribe that a Demolition Permit cannot be issued for any property in the City of Hamilton, which is designated under the Ontario Heritage Act, until plans for a replacement building have been submitted and a Building Permit has been issued by the Building Department.

On July 9, 1998, the Committee of the Whole authorized and directed Staff to continue to negotiate the acquisition of the property, and further, that simultaneously with these negotiations, staff negotiate the sale of the property to a third party. The City undertook initiatives to clean the building's interior to make it safe for showing the building to interested purchasers.

In September, 1998, the City, in an effort to find a potential purchaser for the property, advertised the sale of the building by tender, however, this City initiative failed to facilitate a deal between the current owner and a potential buyer.

On June 30, 1999, a Building Permit Application was submitted by the owner to erect a new two-storey frame house (1280 square feet) on the site. The Building Permit was issued on July 23, 1999; however, the provisions of Bill Pr140, state that the new house must be built within two years of the commencement of the demolition of the historic building or an extended period as approved by City Council. If the owner fails to substantially complete the new house within the two-year or extended building period, City Council can impose a fine of not more than $1,000,000 or imprisonment for a term of not more than one year or both.

The Local Architectural Conservation Advisory Committee, at its meeting held July 12, 1999, recommended that the owner of 14 Belvidere Avenue, Hamilton, be advised of the provisions of Bill Pr140 by registered mail.

cc Lee Ann Coveyduck, General Manager, Community Planning and Development Division
Len King, Building Commissioner
Rand Roszell, Director of Legal Services and Corporate Counsel
Nina Chapple, Community Planning and Development Division

14.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: July 29, 1999
4480
Ainslie Woods and Westdale Neighbourhoods

REPORT TO: Chairperson and Members,
Planning and Development Committee

FROM: Stella Glover Secretary
McMaster University Area Neighbourhood Task Force

SUBJECT: McMaster University Area Neighbourhood Task Force – Phase 1 implementation of the Final Report (MTF99002)

RECOMMENDATION:

(a) That the Building Department and Legal Services Division be authorized and directed to prepare amendments to the Property Standards By-law to incorporate specific requirements for the maintenance of housing occupied by students.

(b) That the Building Department and the Transportation, Operations and Environment Division be directed to improve the efficiency of the collection of unpaid parking, property standards, and noise fines.

(c) That the Building Department be authorized and directed to implement a ticket system under the Provincial Offences Act for violation of the Property Standards By-law and the by-law for Maintaining Land in a Clean and Clear Condition.

(d) That the Building Department be directed to implement a policy of a 6 to 12 month delay for final inspection of approved building permits to ascertain use and occupancy.

(e) That City Council submit a letter to the Premier of Ontario requesting increased funding for on campus student housing.

(f) That City Council request that Hamilton Non-Profit Housing investigate providing affordable off campus housing in partnership with private developers, McMaster University and the McMaster Student Union.

(g) That the Building Department and Fire Department be authorized to provide free inspections to owners of student houses to ensure compliance with fire codes and property standards by-law for a trial period of one year.

(h) That City Council request Regional Council to develop a bicycle path corridor in an east/west direction from either side of the University campus.

(i) That the Community Planning and Development Division and the Transportation, Operations and Environment Division, in partnership with the Off Campus Housing

Office, McMaster University, develop a brochure for student housing landlords detailing responsibilities, parking requirements and property standards expectations.

(j) That staff from the Community Planning and Development Division be directed to set up a forum with other university cities in early 2000 to discuss current developments and solutions regarding student housing.

(k) That Community Planning and Development Division staff be authorized to meet twice yearly with members of McMaster University's Presidents Advisory Committee on Community Relations to assess current conditions and discuss new developments.

(l) That the Building Department be authorized and directed to initiate pro-active enforcement of Property Standards, Zoning by-laws and other maintenance by-laws in the McMaster University area for the first 3 weeks of September 1999. Total cost not to exceed $15,000.

Stella Glover

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

To implement pro-active enforcement in the McMaster area neighbourhood will require the reassignment of staff resources. The project was tried last year on a trial basis and was found to cost a total of $15,000 which includes the reassignment of staff during normal working hours and the cost of overtime for evenings and weekends. The cost can be accommodated within the Building Department's current budget due to gapping.

BACKGROUND:

The McMaster University Area Neighbourhoods Task Force was created by action of Hamilton City Council on October 28, 1997 "for the purpose of reporting back to the Planning and Development Committee with recommendations to address the concerns of the McMaster University Area Neighbourhood."

Planning and Development Committee, at its meeting of May 19, 1999, received the Final Report of the McMaster University Area Neighbourhood Task Force. In addition, the Task Force was authorized to continue to meet on an interim basis for the purpose of implementation of the Task Force's recommendations.

The Final Report of the Task Force contains 66 recommendations and the City of Hamilton, the Region of Hamilton-Wentworth, the Province of Ontario, McMaster University, McMaster Students Union and the community are identified as partners in the implementation of the various recommendations.

On May 9, 1999, the McMaster University Area Neighbourhood Task Force met to review the Final Recommendations for the purpose of prioritizing the recommendations for implementation. The Task Force identified 12 recommendations that were considered to be revenue neutral, would provide a "pay-back" in terms of future benefits to the City and the community (i.e. a reduction in zoning by-law and property standards

complaints received by the City) and ease of implementation. Specifically, the Task Force identified the following recommendations for action:

i. That the Building Department and Corporate Law be authorized and directed to prepare amendments to the Property Standards By-law to incorporate specific requirements for the maintenance of housing occupied by students.

ii. That the Building and Public Works department be directed to improve the efficiency of the collection of unpaid parking, property standards, and noise fines.

iii. That the Building Department be authorized and directed to implement a ticket system under the Provincial Offences Act for violation of the Property Standards By-law and the by-law for Maintaining Land in a Clean and Clear Condition.

iv. That the Building Department be directed to implement a policy of a 6 to 12 month delay for final inspection of approved building permits to ascertain use and occupancy.

v. That City Council submit a letter to the Premier of Ontario requesting increased funding for on campus student housing.

vi. That City Council request that Hamilton Non-Profit Housing investigate providing affordable off campus housing in partnership with private developers, McMaster University and the McMaster Student Union.

vii. That the Building Department and Fire Department be authorized to provide free inspections to owners of student houses to ensure compliance with fire codes and property standards by-law for a trial period of one year.

viii. That City Council request Regional Council to develop a bicycle path corridor in an east/west direction from either side of the University campus.

ix. That the Public Works and Building Departments in partnership with OCHO develop a brochure for student housing landlords detailing responsibilities, parking requirements and property standards expectations.

x. That staff from the Community Planning and Development Division be directed to set up a forum with other University cities in early 2000 to discuss current developments and solutions regarding student housing.

xi. That Planning and Building Department staff be authorized to meet twice yearly with members of the Presidents Advisory Committee on Community Relations to assess current conditions and discuss new developments.

xii. That the Building Department be authorized and directed to initiate pro-active enforcement of Property Standards, Zoning by-laws and other maintenance by-laws in the McMaster University area for the first 3 weeks of September 1999. Total cost not to exceed $15,000.

McMaster University and the McMaster Student's Union (MSU) were members of the Task Force and have been provided with a copy of the Final Report. McMaster University have advised that the Final Report has been received by the University's Priorities and Planning Committee for review (see Appendix "A"). The McMaster

Student's Union have advised that the Final Report is currently being reviewed with the intent of determining the feasibility of the recommendations and the development of a strategy for the implementation of the applicable recommendations (see Appendix "B").

SG/PM/sr
Action-4480

McMASTER UNIVERSITY

President and Vice-Chancellor

July 8, 1999

Barry Bender
Chair
University Area Neighbourhoods Task Force
20 Paisley Avenue S.,
Hamilton, ON

Dear Barry,

My congratulations to all members of the University Area Neighbourhoods Task Force for their impressive efforts to complete the Task Force's final report and its comprehensive list of recommendations. I am aware of the hard work and dedication this type of work requires and both the University and the community owe you many thanks for your efforts.

The Task Force report was presented to the Priorities and Planning Committee by Andrea Farquhar on June 22, 1999. The P&P committee comprises the University's senior officers, including Faculty deans. The report was well received and will now be reviewed in more detail. Committee members were also clear that they want to ensure that the report's recommendations are distributed to the appropriate University officials and that we are precise about who is responsible for their review and development. To this end, Alexander Darling, vice-president (administration), Mary Keyes, associate vice-president, student affairs, and Andrea Farquhar, assistant director, media and community relations, have been instructed to develop an action plan which will be communicated to both the University and the Task Force.

I have also received a letter from the President's Advisory Committee on Community Relations (PACCR) which has endorsed the Task Force report in principle. PACCR and I will work together with other University officials to ensure that the report's recommendations are actively pursued and that the McMaster Area Plan Implementation Committee is kept informed of our progress.

Sincerely,

Peter George

1280 Main Street West, Gilmour Hall, Room 238, Hamilton, Ontario L8S 4L8
Tel.: (905) 525-9140 Ext. 24340 Fax: (905) 522-3391 Email: presdnt@mcmaster.ca

McMaster Students Union Inc.
Syndicat des Etudiants de McMaster Inc.

June 25th 1999

McMaster Area Plan Implementation Committee
c/o Stella Glover, Clerk
Municipal Clerks Office, City of Hamilton
71 Main Street West
Hamilton, Ontario, Canada, L8P 4Y5

Members of the Implementation Committee

Re: McMaster Students Union Implementation Strategy - Process for approval

First of all, I would like to congratulate all of you on the completion of the task force report. The McMaster Students Union is grateful for being included in the development of the recommendations and looks forward to working with the Implementation Committee on this matter.

On Tuesday, June 15, 1999, the Executive Board of the MSU met to consider the task force report and in particular the recommendations pertaining to the MSU. During that meeting, a presentation was made on behalf of your committee by Barry Bender, Chair of the Neighbourhood Task Force. He outlined for us the process by which the report was crafted and highlighted key parts of the report. Following his presentation the Executive entered into discussions about the process for approval and implementation of the task force recommendations. The following is the motion passed by the Executive anamiously and the process the MSU will enter into on this matter.

Moved by Christian, Seconded by Suffoletta that the Executive Board refer the final recommendations of the McMaster University Area Neighbourhood Task Force to the Community Relations Committee for analysis and response to be returned to the Executive Board no later than November 1st.

1. Ms. Lisa Cunha, Chair of the Community Relations Committee, will review the report and enter into discussions with her committee in September. They will determine the feasibility of the recommendations and develop strategies for their implementation. The Committee will also be responsible for engaging in consultation with the undergraduate population of McMaster University. All this is to be completed by November 1, 1999.

2. Ms. Cunha will present her findings with a series of recommendations to the Executive Board at its first meeting following the November 1st deadline. The Executive will review these recommendations and further refine them by accepting some as is, suggesting improvements to others, and rejecting some. The Executive at that point will forward the revised recommendations along with Ms. Cunha's report to the Student Representative Assembly for its consideration.

3. No later than its first meeting in January 2000, the Student Representative Assembly will consider the package put forward by the Community Relations Committee and the Executive Board. Beyond the MSU specific recommendations, the SRA will also consider the overall report and will engage in discussion about supporting the remaining recommendations.

I hope this helps you understand the process we have decided to undertake here in the MSU. If the recommendations are accepted by the Student Representative Assembly, they will act as the

APPENDIX "B"

McMaster Students Union Inc.
Syndicat des Etudiants de McMaster Inc.

guidelines for the Community Relations Committee, the Executive and Board of Directors in dealing with the recommendations pertaining to the MSU and the overall task force report.

We look forward to engaging in further discussions with the Implementation Committee with regards to developing a productive and efficient framework for working cooperatively over the coming months towards improving the quality of life for both students and residents.

Yours Sincerely,

Burke Christian
President

cc: Ms. Lisa Cunha, Community Relations Committee Chair
McMaster Students Union Executive Board

Hamilton Hall, McMaster University, Hamilton, Ontario L8S 4K1, Canada Phone (905) 528-9887 Fax (905) 529-3208

CA4 ON HBL A05
C51P4
1999

URBAN
MUNICIPAL

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

SPECIAL PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, August 18, 1999
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

AUG 16 1999

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **DELEGATION**

   Urban Strategies re: Design Strategies for Downtown Hamilton (Report to Follow)

2. **ADJOURNMENT**




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